

JUNE 1961
VOLUME 42, NUMBER 1

THE *Southwestern*
SOCIAL SCIENCE QUARTERLY

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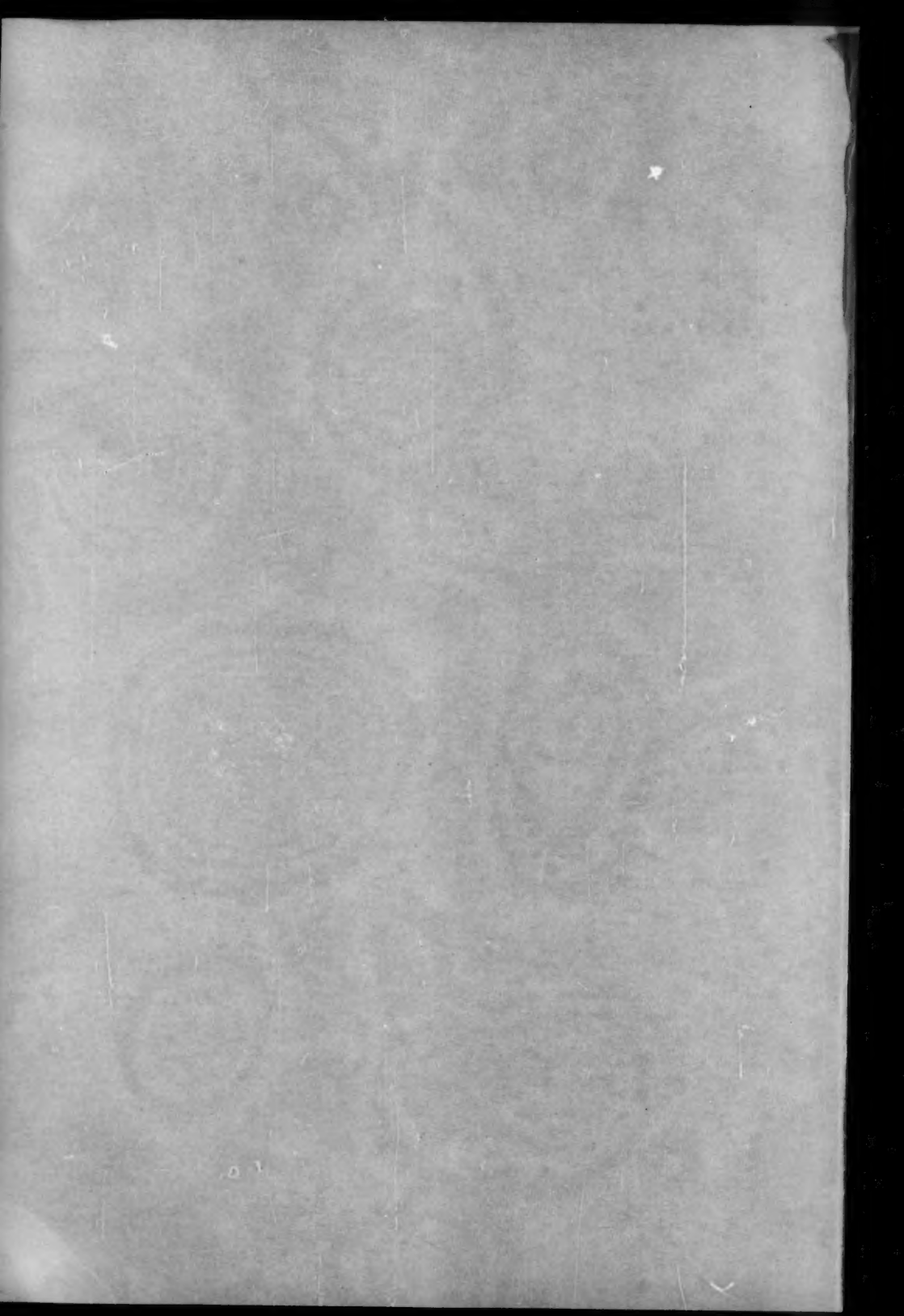
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Published jointly by THE SOUTHWESTERN SOCIAL SCIENCE ASSOCIATION
and the UNIVERSITY OF TEXAS PRESS



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Second-class postage paid at Austin, Texas. Published quarterly.

THE SOUTHWESTERN SOCIAL SCIENCE QUARTERLY is the official organ of the Southwestern Social Science Association. The subscription price is \$5.00 a year or \$1.25 a copy to members; \$2.50 a year to students. Subscriptions to the QUARTERLY and all membership payments should be addressed

to the secretary-treasurer of the Association, James M. Owen, Louisiana State University, Baton Rouge, Louisiana. Any change in address should also be reported to the secretary-treasurer. All manuscripts should be addressed to the editor, Harry Estill Moore, University of Texas, Austin 12, Texas. Books for review should be sent to H. Malcolm Macdonald, Book Review Editor, University of Texas, Austin 12, Texas.

The QUARTERLY is indexed by *Public Affairs Information Service* and the *International Index*.

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Some Challenges to Social Science in the Southwest During the Sixties

STANLEY A. ARBINGAST
THE UNIVERSITY OF TEXAS

THE SOUTHWESTERN SOCIAL SCIENCE ASSOCIATION may well be unique. Perhaps no other academic association brings together 600 persons, or more, with interests ranging from Accounting to Agricultural Economics and from Geography to Business Management. All of us are proud to be known as social scientists; yet, each may consider his chosen discipline to be the true salvation of our world. We tend to disregard, even discard, the accomplishments and ideas of those social scientists who represent disciplines other than our own. These walls between the specific areas of social science, however, are crumbling. The impact of science and technology is leveling our carefully built partitions.

The already overwhelming sweep of progress in the natural sciences is increasing in scope and tempo. We social scientists, though, are little inclined to let the radically new ideas and techniques disturb the venerable patterns of our work. Most of us have continued to labor within the same old comfortable framework as in years past. But now, and none too soon, we are awakening to the need to update our methodology and to re-examine our objectives before we lose the right to call them ours.

I would venture to say that all of us, scattered as we are through the academic catalogue, will find we have much more in common than we may have thought. It may not be preposterous to think that sometime in the future we may prefer to be called social scientists first and economists, sociologists, geographers, historians, political scientists, or business statisticians second.

The need is clear. Only an interdisciplinary approach will solve many of the problems we face in the Southwest today. It is our obligation as social scientists to illuminate these problems and to contribute to their solutions. It is our obligation to be understood—to make ourselves understood—by a wide readership. University and college administrators and the false conceit of scholarship have influenced us to write for each other, if for any audience

at all. The average literate citizen is repelled, and sensibly so, by most scholarly writing. He suspects that the content of the work is not worth the obstacles put willfully or carelessly in the path of communication. Sometimes the average citizen may even be right.

For the past fifty years the economy of the Southwest has been based on agriculture and on the discovery, extraction, and processing of hydrocarbon fuel. However, mechanization of agriculture and automation in the petroleum industry have displaced thousands of erstwhile workers in those activities and have forced them to seek work in expanding manufactures and service industries. This displacement has contributed to another perplexing trend: urbanization. Pressure for racial integration, born of human aspiration and augmented just now by mechanization and urbanization, demands creative attention. There are other problems with us, too. Some of the most difficult of them have to do with education, the costs and fiscal support of government, and the difficulty of communicating with one another, which is increased a hundredfold in a region as large and populous as ours.

First, consider mechanical and biological engineering as they relate to increased productivity of agriculture. The growing efficiency of agriculture is based not only on the use of more and better labor-saving machines. Beyond the reapers are the unharvested fields of the future, yielding even richer crops than those of today. Better seed is being planted, and better plant varieties being nurtured. Weeds and pests are being exterminated more readily. Soil fertility is being increased, erosion controlled, and irrigation made more effective. Meat animals are growing to marketable size in shorter order. And hens are contributing to the trend in their own modest way—by laying more eggs.

With all this, farms have been getting larger. Operators of marginal farms have sold their acreages and retreated to the city, leaving a constantly smaller rural population. In the nation we have no more farmers now than at the time of the Civil War. Yet, the capital investment in farms and ranches is enormously higher than ever before. Time was when a young farmer could launch his career in the wake of one team of horses. Today he needs no less than \$50,000 to \$75,000 just to get started, and largely to obviate the necessity of depending on horses. Banks are little disposed to lend that much money on faith or optimism alone. They must have confidence in the farmer's ability as an accountant, a mechanic, a soil scientist, a botanist, a meteorologist. What is more, the farmer himself must have the self-confidence of a gambler and a lucky one. The result is that fewer young men are choosing to farm.

Politicians tell us of the tearful plight of small communities long de-

pendent on the shrinking agricultural work force. Well they may weep for the inevitable redistricting of the areas. But there is little that they, or anyone else, can do to reverse a trend that began even before Cyrus McCormick started tinkering with machinery. Businessmen in these small farm-oriented towns are frantically attempting to attract new industry. The unattractive fact they choose to disregard is that there is too little industry to go around. The urge to industrialize is so strong that several communities in the Southwest have been sadly victimized. There are charlatans, you know, who stop just short of a promise to revive a moribund economy. They come by day, accept generous appropriations from a hopefully named industrial development fund. Then, as hope subsides, they disappear into the night. Many reliable industrial consultants are at work, of course, but their claims are less alluring. Citizens of communities in search of new industry need to choose their advisors with skeptical care.

The fact is, most agricultural towns in the Southwest must be resigned to near oblivion, either through atrophy or through absorption into the sphere of some nearby industrial city. Those farm centers located near or within metropolitan areas are mostly viable, if only as dormitories. Those located near resource-piles, supplies of industrial raw materials, may also stay alive. But these are few.

Technology is contributing to other revolutionary developments, too. This century may be known as the Age of Space. Less grandiosely it is also the age of the self-service store with its plastic-wrapped and pressure-canned merchandise. It is the age of the vending machine that issues alternating streams of beef broth and hot chocolate from the same spigot. It is the age of the prefabricated house with only the color of the bathtub left to the discretion of the occupant. It is the age of education—we hope that is what it is—by television. Most significantly, it is the age of the computer.

Whether we relax or brace ourselves at the prospect, the computers are going to make decisions for us. We have all watched as they predicted the outcome of elections. But it is even more astonishing to contemplate their designing and operating industrial plants, writing music, telling farmers what to plant, advising the Pentagon on the strategy of war, and translating from one language to another. We must look to the day when machines will replace store employees, office workers, and factory hands by the hundreds. Currently, manufacturing employment in the United States is stabilizing. It may be expected to decline if the trend to mechanization continues. In 1961 there is little evidence that this influence on employment will not continue. Of specific interest to Southwesterners is the fact that petroleum exploration, extraction, and processing are becoming so highly automated that many oil

centers are losing residents. One Texas gas plant, for example, produces hundreds of gallons of natural gas liquids daily and has run with the part-time supervision of one operator for more than two years.

Unemployment, indeed, may become a chronic problem. Norbert Wiener, the specialist on automation and cybernetics, has suggested that productivity may soon become a more pressing national problem than monetary inflation. The apparent downtrend in production employment has led some economists to predict that research, already a significant industry, will soon emerge as the nation's leading occupation. All these developments concern us directly as residents of the Southwest and, more specifically, as Southwestern social scientists.

Mechanization has been the strongest force behind urbanization. For example, in 1910, 75 percent of all Texans lived in the country; since then the rural share of the population has declined by 66 percent. Now three quarters of all Texans are town- or city-dwellers. City growth has proceeded so rapidly that planners have been caught short with too little time to analyze urban problems and schedule long-range development. Much of importance has, of necessity, been dealt with on an emergency basis. New schools are urgently needed in most of our cities. So are new sewage and garbage services, new expressways and streets, and expanded water supplies. Additional fire and police protection is needed, as well as new ways to decrease the need for them.

Uppermost in the minds of many downtown businessmen is the changing function of the central city. For, as cities have grown, they have decentralized. New business districts, many of them large and complete, many of them miserably disorganized, have resulted from the centrifugal tendencies in our cities. Notably, a number of the nation's major central cities declined in population during the 1950's. Included in the list were: Detroit, Minneapolis, San Francisco, Cleveland, Jacksonville, Philadelphia, Pittsburgh, and Boston. Yet, the metropolitan area population increased substantially in every one of these cases. Some Southwestern cities may find themselves in this unenviable company by 1970. More than ever before, social scientists will be needed to help solve the fast-shifting problems of urban centers.

Technology and urbanization have brought a related problem into focus. This is racial integration. Negro workers have left Southwestern farms by thousands, usually to move into the major cities of the region. Most of them are now more prosperous than ever before, which may be saying rather little. But what money they have they insist upon spending where and when they like. The Negro has scarcely begun to exert the political and economic pressures he is capable of generating. He is in a strong position, and no one knows it better than he does.

Most of the social scientists in the Southwest support the idea of integration on moral grounds. Some are stridently vocal in the desegregation movement. One may suspect, however, that some of these public expressions are partly a recompense for failure. We failed, as social scientists, to foresee what was certain to happen, failed to help prepare the public for the inevitable. Most importantly, we neglected to explain early the pressure for integration in terms of its economic implications. As a result, the public has found itself ill prepared and with little comprehension of the problem.

As educators, we are obligated to help alleviate the unrest already evident during this time of social and economic change. If we neglect this obligation, our legitimacy as social scientists will be open to the severest question. The most penetrating effects of automation, urbanization, and integration are still to be felt in the Southwest. Furthermore, progress in science will create other problems, perhaps far more serious than those which face us now. We, as social scientists, must be alert and foresee these new problems before they come into being, and we must contribute to the solution.

Relativism and the Legal Process: Judicial Lawmaking and the Decline of Natural Law Concepts

JOSEPH O. LOSOS

ONE OF THE MOST significant questions in American legal thought today is the problem of relativism and the judicial process. An important body of opinion has existed throughout the history of jurisprudence which has maintained that judges do no more than clarify and hand down the law, as they find it in statutes and in the common law, and that these sources of the law, in turn, should, and in civilized societies must, derive from a basic natural law. In the common-law countries the intellectual ferment of "legal realism" has, to a great extent, shaken these beliefs, as the active role of judges has been stressed and as the very concepts of natural law have been increasingly doubted. The effect of this change in thought has been to weaken the prestige of the judicial opinion and to create a sense of uncertainty, especially insofar as political matters impinge on legal decisions. It is possible to discern this issue most clearly in the controversies over decisions of the United States Supreme Court. On the one hand critics of the Court have claimed that the absence of a traditional sense of judicial propriety has transformed the justices into legislators; the Supreme Court has been accused of becoming a third house of Congress. On the other hand the liberal members of the Court have moved closer to the idea of natural law in defense of their ideas about civil liberties. Frequently the opponents of the current Court have attacked these very justices as those most responsible for recklessness, but the problem each side has concerned itself with is the same: the difficulty of maintaining judicial standards in an age of relativism.

It is probable, of course, that when some critics have attacked the Supreme Court as a body of men overturning established law they have, in part, been using a convenient argument to support a position which they would uphold in any case. Some of the shock over the reversal of past decisions is surely misplaced, for American courts have never permitted the maxim *stare decisis* to preclude the overturning of past decisions. Many of these critics, however, have asserted more than this. They have maintained that much of the

spirit of the Supreme Court under Chief Justice Warren is an indication that the justices have been acting as lawmakers and reforming the basic law to suit their prejudices or personal beliefs. It is for this reason that the appearance of the name of a Swedish sociologist in the footnotes of a vitally important opinion¹ seemed so outrageous to many. Such indignation is not based merely on xenophobia (although that cannot be overlooked) or on a distaste for the intrusion of a nonlawyer into the sanctum sanctorum of the law, but upon a belief that the introduction of such a name was proof that nonlegal reasoning had entered into the decision, that the justices were making law, not interpreting it.

The most famous expression of this idea came from Francis Bacon, who stated, in his essay "Of Judicature," that "judges ought to remember that their office is *jus dicere*, and not *jus dare*; to interpret law, and not make law, or give law."² The applicability of Bacon's remarks to the controversy of our time is apparent, and yet an analysis of that applicability must involve a consideration of the philosophical background of Bacon's ideas. The source of the distinction between "saying the law" and "giving the law" was a belief in the fixed nature of law, and in the last analysis, an acceptance of a higher law which transcended the day-to-day permutations or notions of those in authority. The historical background of this idea is perhaps best treated in Corwin's essay on *The "Higher Law" Background of American Constitutional Law*.³ Corwin has summarized the complex of sources contributing to the Constitution by showing the direct line of natural law thought reaching from the Stoic thinkers to 1787. The assumption of the Stoics was that mankind is fundamentally alike in all lands, that law is an emanation of the human reason, and that therefore law, in its basic form, must be the same throughout the civilized world. Cicero, that perfect mixture of Stoic philosopher and Roman politician, insisted that "by neither the Senate nor the people can we be released from this law; nor does it require any but ourself to be its expositor or interpreter. Nor is it one law at Rome and another at Athens; one now and another at a later time; but one eternal and unchangeable law binding all nations through all time."⁴ It follows that random groups of lawmakers, whose power may have derived from brute force or trickery, cannot alter the underlying structure of the law. As the power of Rome grew this philosophical concept of the *jus naturale* tended

¹ *Brown v. Board of Education*, 347 U.S. 483 (1954). Footnote #11 of the opinion referred to Gunnar Myrdal's *American Dilemma*.

² Francis Bacon, *Essays* (New York: Classics Club, 1949), p. 225.

³ E. S. Corwin, *The "Higher Law" Background of American Constitutional Law* (Binghamton: Cornell University Press, 1955), originally printed as an article in the *Harvard Law Review*, Vol. 42 (1928-1929).

⁴ Marcus Cicero *De Republica* IV, 22.

to merge with the *jus gentium* enforced by the *praetor peregrinus*, to become the source of the civil law of the Roman Empire. When Cicero wrote, and for centuries thereafter, one law did exist at Rome and at Athens (except as to local matters), and the end of the Roman Empire did not result in the end of Roman Law.

Roman Law did suffer, in the years after the Germanic invasions, from the invasions of more primitive legal codes, but the concept of a natural law remained strong. The triumph of Christianity brought the religious ideas of divine law into secular affairs, and served to strengthen the belief in a "higher law." And the intrusion of primitive law in countries such as England, where Roman Law was not firmly rooted, produced little change in this respect. In 1910 Charles McIlwain, in his classic *The High Court of Parliament*,⁵ outlined the conceptions of legal thought which existed in the Middle Ages. McIlwain asserted that to the medieval Englishman, as to Cicero, the law was a reality which existed in being rather than a collection of statutes imposed by a sovereign. In fact the primitive conceptions of law were even more fixed than the philosophical beliefs inherited from Rome, since to the early medieval Englishman the very details of the law seemed set. From that it followed that the Parliament was not originally thought of as a body assembled to make laws, but rather as a kind of court which "found" the law and codified it. McIlwain quotes Sidgwick's comment that in the Middle Ages "law was to an important extent conceived by both governors and governed as a subject of science, capable of being learned by special study, but not capable of being altered by the mere arbitrary will of government, any more than the principles or conclusions of mathematics."⁶ The role of the government, of necessity, becomes restricted in this view. "Parliament will grow to seem, insofar as the growth of law is concerned, law-declaring rather than law-making."⁷ The position of McIlwain has not, of course, been accepted without dispute, but a recent commentator has agreed that Parliament's role was partly judicial, although in part legislative as well.⁸

But the position of Parliament in McIlwain's theory was only a part of the larger framework of natural law which his study elucidated, and there is wider agreement that behind the statutes of Parliament stood an unwritten body of natural law; a constitution existed, although no convention had ever met. Great changes in the law of England did take place in the late

⁵ Charles McIlwain, *The High Court of Parliament and Its Supremacy* (New Haven: Yale University Press, 1910).

⁶ *Ibid.*, p. 17. The quotation is from Henry Sidgwick's *The Elements of Politics*.

⁷ *Ibid.*, p. 51.

⁸ R. F. Treharne, "The Nature of Parliament in the Reign of Henry III," *English Historical Review*, Vol. 74 (1959) pp. 590-608.

medieval and early modern periods, but the sense of a constitutional order did not disappear, even during the reign of the Tudors.

In seventeenth century England this constitution was often supposed to rest in large part upon the Magna Carta. During the reign of James I the perhaps obsolete conceptions of Parliament as a court were transformed by Coke and others into tools to use against the power of the Crown. When Coke quoted Bracton's famous warning that the King ought not to be under man, but under God and Law, he brought the medieval framework of "found law" up-to-date by explicitly postulating, as in Doctor Bonham's case, a power in the common-law courts to interpret the fundamental law and override Parliament and Crown. In other words, now that Parliament was no longer considered a court, the power of judicial interpretation, which must be the supreme power if the basic law is a fixed, natural system of justice, devolved upon the judges. Coke, of course, did not win his point, for Parliament succeeded eventually in winning absolute power, but the reinvigoration of the older ideas brought the concepts of natural law up-to-date at a time when they were very acceptable, intellectually. The Stoic conceptions of human reason and the fundamental rights of man were in many ways rediscovered in the century of Grotius and Locke; and as natural law re-emerged from its medieval Christian surroundings it was able to serve the new thinkers of social contract. The combination of Newtonian physics, of Cartesian philosophy, and of Lockian political theory may not have been an altogether perfect one, but the elements definitely had one point in common: an underlying belief in a natural order which supported human laws. The rather primitive notion that all law was found gave way to the more sophisticated belief that the fundamental law was given; if the legislative branch of government was engaged in making laws, it became more important that the judicial branch be independent, and eighteenth century thinkers frequently followed Montesquieu in emphasizing this distribution of powers. The higher law emerged as in most ways distinct from the everyday law, but as a vitally important part of the legal system, encompassing a greater scope, just as the *jus gentium* had held a broader place in Rome than the *jus civile*. At the end of the eighteenth century our Constitution appeared as a culmination of this whole current of thought.

This is, naturally, a great simplification. The opposing belief that law was an emanation of sovereign power, and nothing more, had existed also, and the Roman Law tradition which had transmitted Ciceronian felicities had, more directly, passed on the rule that "that which pleases the prince has the force of law." In the seventeenth century Hobbes had ably refashioned this viewpoint and had given his name to this concept of law. On the European continent the power of kings and emperors had perhaps invaded the zones

of customary law and traditional right more often than in England, but this power was frequently defended with the arguments of natural law, too. For of course the idea of a natural law could be used to uphold traditional authority as well as popular rights, and was used for that purpose frequently at the time of the French Revolution.

The ferment of revolutionary radicalism, the pragmatic ideas of the Utilitarians, the urge for codification—all these ideas undercut the premises of natural law. It is probable, however, that the greatest defeat came as a part of the movement which has been described as the "revolt against formalism."⁹ This intellectual movement of the late nineteenth and early twentieth centuries, relativistic in orientation and steeped in iconoclasm, created revolutions in almost every field of thought, and its principal effect on legal theory was to shake severely, in this country, the concept of the higher law. The victory of pragmatism marked the growing success of the standard of utility and practical value. It was not now denied that humanity was alike, but the conclusion was that the old rules were everywhere inadequate or wrong, that the kinship of humanity proved not the immutability of law but the weakness of traditions. This attitude was frequently (as in the case of Veblen) combined with a dislike or suspicion of capitalism. But in the broadest sense this revolt against formalism was not inherently politically radical, and the surest confirmation of this is the fact that the greatest figure in the legal area of the revolt in the common-law countries was a conservative, Oliver Wendell Holmes.

The chief contribution of Holmes, in a real sense his life's work, was to bring down the "higher law," to drive the "brooding omnipresence"¹⁰ from the sky. The logic of Holmes can be summarized as follows: 1) Law is the product of social choices or sovereign decree, not a set of fixed rules. 2) Law has grown by trial and error—"The life of the law has not been logic; it has been experience."¹¹ 3) Judges cannot appeal to some overlaw as a final authority, for there is none.¹² 4) Therefore, when judges establish rules of common law not enunciated before or when they devise a novel statutory interpretation they are making law, in a sense somewhat different from that

⁹ Morton White, *Social Thought in America: The Revolt against Formalism* (New York: Viking Press, 1949), pp. 59-75.

¹⁰ *Southern Pacific Railroad v. Jensen*, 244 U.S. 205 (1917) at 222. The full quotation is "The common law is not a brooding omnipresence in the sky but the articulate voice of some sovereign or quasi-sovereign."

¹¹ Oliver W. Holmes, *Common Law*, quoted in Max Lerner's *Mind and Faith of Justice Holmes* (New York: Modern Library Inc., 1954), p. 51.

¹² *Jensen* dissent. Holmes dissenting in *Black and White Taxicab Co. v. Brown and Yellow Taxicab Co.*, 276 U.S. 518 (1928). See Holmes' essay on "Natural Law," printed in Lerner, *op. cit.*, p. 394.

of legislators,¹³ but they are making law none the less. 5) Law, therefore, is neither more nor less than the sum of what the adjudicative organs (usually judges) say it is, or will say it is.¹⁴ 6) In short, the law is a flexible instrument of social policy. The fifty years that elapsed between the publication of the *Common Law* and Holmes' retirement from the United States Supreme Court saw the general acceptance of these ideas. What appeared in the 1880's as a sharp extension of utilitarian formulae became the inspiration of the whole movement of "sociological jurisprudence" in the first decades of this century. Law as a tool of social control, law as a test of community behavior, law as a branch of the social sciences became increasingly accepted. Yet, in the 1930's the natural law concepts were still used by conservatives in defense of the Supreme Court; the defeat of the older ideas of the commerce clause seemed to involve the idea of natural law in defeat also.

Holmes has undergone attacks since his death, and the horrors of totalitarianism have caused reactions against relativist beliefs. Yet it can hardly be denied that the emphases of Holmes' beliefs are largely accepted today. Few judges now would maintain that their decisions were always dictated by a higher reason, that determinations of social preference have no place in judicial decisions. The belief in an "overlaw," appealing to the reason of all men, apparently no longer influences the law in its day-to-day application. It is no new thing that judges are influenced by their milieu, but it may be new that this is no longer shocking. In the early years of this century Charles Evans Hughes was almost disgraced because he candidly remarked that the constitution is what the judges say it is; today that is a staple of thought.

A complete revolution has taken place since the early Middle Ages. Then both the judges and members of Parliament were thought to be in large part finders, rather than makers, of the law. Now both are conceded to be, in varying degrees, makers of law. The decline of the earlier beliefs came in stages. The conception of the legislature as a lawmaking body triumphed first, of course. The utilitarian thinkers won wide acceptance for the idea of law as a conscious result of social policy, set by the executive or legislative branches of government. Then Holmes and his followers extended this reasoning to the judiciary. In the downfall of the idea of overriding reason, of the Stoic *recta ratio*, a larger place for the individual human reason has emerged—or for human prejudice.¹⁵ For it is no longer claimed that passion

¹³ Dissent in *Southern Pacific v. Jensen* at 221.

¹⁴ Holmes, *The Path of the Law*, printed in Lerner, *op. cit.*, pp. 71-89.

¹⁵ See Holmes' *Common Law*, in Lerner, *op. cit.*, p. 52.

and prejudice can be thoroughly kept out of the judicial process. The wilder conceits of the heyday of sociological jurisprudence—the influence of a stomach ache, or of the investment portfolio of jurists—have subsided with the victory of the broader idea, but the presence of selfish or partisan ideas in the shaping of decisions cannot be overlooked today.

The victory of relativism has been aided in the United States and in Great Britain by the pragmatic tradition of the common law; it is, perhaps, less assured in nations where people are accustomed to a more definitive corpus of law. In particular, it is probably less significant in Continental Europe where, as a student of comparative government, Herbert Spiro, recently remarked, people "adhere to . . . this automatic conception of justice."¹⁶ In this country this problem of fixed standards in the law is very important, for in a constitutional state whose public law was erected on a natural law foundation, that foundation has been eroded. If law is the product of men, both in its origin and in its enforcement and supervision, and nothing more, one of the most powerful forces of social cohesion has been weakened.

To many, the United States Constitution has served since its adoption, and especially since the inclusion of the Bill of Rights, as a symbol or even as the embodiment of the natural law, or at least as a document containing provisions which reflect abiding and unchanging values. In previous constitutional debates there has been a tendency to equate the provisions of the Court with the natural law. The argument was heard that cases were capable of being decided in only one way, that the Constitution, like early Medieval common law, could be interpreted in only one fashion.¹⁷ Today the debate is not carried on in such absolute terms, and insofar as it is kept in responsible circles, there is an acceptance of the rationality of conflicting opinions and the right of justices to differ. In the dispute over self-incrimination, for instance, the defenders of the Fifth Amendment traced its origin to the seventeenth century and its opponents appealed to a sense of public order, but neither side went so far as to assert that its position was identical with the very structure of the legal system and that its adversary's cause was heresy. It is accepted that both Douglas and Clark are reasonable men, and yet they often come to opposite conclusions—this is a great degree of change from the 1930's.

This change is far more a matter of thought than of action, for judges have always shaped the law. Marshall, Mansfield, Coke himself, made the law different from what it would have been had they not been on the bench.

¹⁶ Herbert Spiro, *Government by Constitution* (New York: Random House, 1959), p. 220.

¹⁷ Justice Sutherland dissenting in *West Coast Hotel Co. v. Parrish*, 300 U.S. 379 (1937) at 395.

But the explicit consciousness of the role of the judiciary poses the problem in different ways. Many of the important transformations of the common law have been effected by means of legal fictions—fictions which often arose subtly and for particular purposes but which substantially changed the movement of legal history, or quickened it. Today legal fictions are out of style, for it is accepted that judges will, within the confines of the political system, change the law to suit the times.

Here too one can point to Holmes as an intellectual leader. In his address "The Path of the Law"¹⁸ (which contains a specific program for the entire revolution in legal thought which has just been described) Holmes remarks that "it is revolting to have no better reason for a rule of law than that so it was laid down in the time of Henry IV."¹⁹ Since it is now generally accepted that the law must change with changing circumstances it is no longer possible to accept past decisions as "right" in a categorical sense. There is a parallel to the modern attitude toward the Bible—just as the Biblical story of creation is not accepted as literal fact today and each generation reviews the evidence of the origins of the universe for itself, so now the comparable faith in underlying principles, good per se, changes to a positivistic treatment of the law.

This can be seen in numerous areas of civil law, in property and contract matters, and especially in the field of tort law. An interesting case example is the development of American law on the subject of liability for wrongful death of an unborn child. Historically there has not existed a cause of action for wrongful death on behalf of a "person" not yet born. In this country the classic iteration of this occurs in the Massachusetts case of *Dietrich v. Inhabitants of Northampton* (1884),²⁰ decided by Holmes, then a Massachusetts judge. But in recent years the advance of medical science has made it easier to ascertain injuries sustained by the foetus, and the increasing welfare-orientation of tort law has affected the area of wrongful death law. Fifty years ago the law was settled that no recovery would lie in these cases. Yet in recent decades a trend has developed toward recognizing such a cause of action if the child has reached a viable state. This pattern can be seen in many jurisdictions.²¹ In New York the decision to allow recovery required a sharp change in that state's law²² inasmuch as previous decisions

¹⁸ In Lerner, *op. cit.*, pp. 71–89.

¹⁹ *Ibid.*, p. 83.

²⁰ 138 Massachusetts 14 (Mass. Supreme Court).

²¹ The rule permitting recovery in these cases has been adopted in New York [*Woods v. Lancent*, 303 N.Y. 349 (1951) New York Ct. of Appeals], in the District of Columbia [*Bonbrest v. Kotz*, 65 F. Supp. 138 (1946) Federal District Court], in Quebec [*Montreal Tramways v. Leveille*, 4 Dom. L.R. (1933)], and in an increasing number of American states, including New Hampshire, Wisconsin, Minnesota, and Louisiana.

²² The Woods case very sharply distinguished, if it did not overrule, an earlier case [*Drobner v. Peters*, 232 N.Y. 220 (1921)].

had not permitted this action; elsewhere the change may not have been as grave, because of the lack of previous decisions on the point within the state, but it was everywhere recognized that allowing suits in this field meant changing the law, meant the creation of a new, judge-made rule.

In the cases referred to, the judges did not blanch at this prospect. Judge Desmond, who wrote the opinion in *Woods v. Lancelot*,²³ concluded that "we act in the finest common-law tradition when we adapt and alter decisional law to produce common-sense justice."²⁴ The common law had changed throughout its history, but those who most prided themselves on being in the tradition had usually been more anxious to show that they stood "super antiquas vias," as an eighteenth century judge phrased it. The heirs of Holmes are willing to follow his advice in rejecting his thought; the New Hampshire court considered that "the shadow of Holmes was fading."²⁵ Many think that it is revolting that the reason for the law in this subject (or any other) should be that it was so in the times of Holmes; the adherence of many legal commentators to that view leads one to think that it will win out.

It may be said that this is merely one manifestation of the progressive spirit of the times; an example of democratic thought in the law. But in some respects this relativistic attitude toward law runs counter to many of the most cherished liberal beliefs. What intrinsic validity have fundamental human rights in a legal system which recognizes the mutability of traditional rules? In 1791, when the Bill of Rights was adopted, there was a general acceptance of the idea of basic law, an acceptance which served as a background to the specific guarantees. In the present judicial controversy over civil rights and civil liberties it is the liberal faction that seeks to maintain or refurbish this tradition.

The battle in this country today is not centered, in legal terms, on general rights, but is brought down to the guarantees of the Fifth and Fourteenth Amendments to the United States Constitution. As the acceptance of natural rights decreased, and as the power of governments increased, the balance of our system was maintained in large part by infusing into the guarantees of the Bill of Rights a large degree of specific authority, converting and enlarging the rights of the First, Fourth, and Fifth Amendments into substantial protections with a very tangible impact on political and economic powers. The words "no person shall . . . be deprived of life, liberty, or property, without due process of law"²⁶ were probably vague in the 1790's;

²³ See note 21 above.

²⁴ *Woods v. Lancelot*, p. 394.

²⁵ *Poliquin v. McDonald*, 135 Atlantic 2d 249 (1957) New Hampshire Supreme Court, at 251.

²⁶ Amendment V, U.S. Constitution.

today they form a more important part of our political system and perhaps even our moral order than almost any other laws. The extension of the Fifth Amendment guarantee quoted above to the State governments was effected by the Fourteenth Amendment, and within the last forty years (by and large within the last twenty-five years) much of the rest of the Bill of Rights has been so extended. Justices Black and Douglas advocate the espousal of the doctrine that the Fourteenth Amendment incorporates the entire Bill of Rights. Since these justices interpret the Bill of Rights as providing a broad protection in many areas of personal rights, their views explicitly require the courts to uphold these rights against all forms of public power, and also by extension to areas of quasi-public and private power.

It is possible to look at these issues as matters involving interpretation of texts—constitutional texts, in the case of the Amendments mentioned. To do so would be to overlook the spirit of the constitutional guarantees and would do an injustice to both sides in the recent controversy over the Supreme Court. It would also be unrealistic, for the question of rights in many respects transcends the constitutional terms. In fact before the Fourteenth Amendment was adopted the Supreme Court held that taxes by a state on property which was not within the state's jurisdiction were unlawful, in the case of *Hays v. Pacific Mail Steamship Co.* (1855).²⁷ The Court there, in effect, enforced a rule of natural justice despite the absence of a written provision to justify its enforcement.

Today such a serene use of natural law would hardly be possible. Nevertheless, it is likely that a pattern of fundamental law is being developed by the liberal members of the present Supreme Court, a system of values which are not weighed against other values but are asserted as a necessary premise of law in a free society. In the case of *Trop v. Dulles* (1958)²⁸ the Supreme Court held that Congress had no power to provide that desertion from the Armed Forces in time of war resulted in the forfeiture of citizenship, since this would be a cruel and unusual punishment and thus a violation of the Eighth Amendment. Chief Justice Warren wrote the opinion, in which three other justices joined, Justice Brennan concurred, and Justices Frankfurter, Burton, Clark, and Harlan dissented. The Chief Justice's opinion was formally based on one of the guarantees of the Bill of Rights, but the opinion conveyed, and was meant to convey, a more fundamentalist leaning. Warren recognized that the penalty of loss of citizenship was not a cruel and unusual punishment in the common sense, that to the man in the street death would seem more cruel and the especially unusual quality of banishment would not be clear. He emphasized the degree to which loss of citizenship

²⁷ 17 Howard 596 (1855).

²⁸ 356 U.S. 86.

takes away an inherent right. It is "offensive to the cardinal principles for which the Constitution stands" not because it necessarily causes greater misery or produces more hardship than punishments which are clearly within the purview of Congress; it is offensive because it involves "a form of punishment more primitive than torture." In short, there are certain rights which are antecedent to the power of the sovereign, and which therefore cannot be disposed of by the sovereign. There is no question of the balancing of public and private values in Warren's opinion—the question is one of basic right, and nothing could arise which, by his logic, would permit the loss of citizenship by a native-born American except a voluntary act of renunciation. Justice Brennan, in his concurrence, weighs the relevant section of the Nationality Act of 1940 against the rights of the individual and agrees with the Chief Justice in his conclusion, but not in his reasoning. The dissenters of course weighed the factors also, but concluded that the Act was constitutional. It is significant that Justice Frankfurter, who wrote the dissent, closed it with a quotation from Holmes and an appeal to his philosophy.

Justice Black, concurring in the recent case of *Smith v. California* (1959)²⁹ has even gone so far as to assert that the First Amendment forbade all Federal legislation limiting freedom of the press in any way whatsoever, and that the Fourteenth Amendment extended this to all state governments. Under this view all federal or state libel laws, obscenity statutes, and any other regulation on printing (and presumably speech) would be invalid. Apparently there would be a constitutional protection for shouting "fire" in a crowded theater. This is the application of a theory of the nature of liberty, carried to an extreme. In the establishment of limits for guarantees as critical as those contained in the Bill of Rights there is always a tendency to go beyond the methods employed in ordinary judicial determinations and to create a judicial framework for an ordering of a sector of government or society. The recurrence of this phenomenon in our history may show that a Bill of Rights cannot have meaning unless it is treated in this way, and that it is not only inevitable but also proper that a certain amount of "natural law" be woven into the fabric of constitutional law in this manner.

Perhaps this casts some light on the problems of judicial relativism. The liberal attention in the courts is to a large extent fixed on questions of civil liberties and the preservation or extension of individual or group rights today. This is especially true in the Supreme Court, where these questions of fundamental liberty come forth with great clarity. At the same time many of the conservative critics of the Supreme Court, and critics also of the di-

²⁹ 361 U.S. 147.

rection of much of twentieth century legal thought, are disturbed at the drift of modern law, at the lack of uniformity and respect for precedent. Both sides perceive the need to establish some standard of values without, as a general rule, returning to an automatic conception of law. When the liberal members of the Court (Warren, Black, Douglas, and Brennan) are attacked, they are often charged with making the law to conform with their individual tastes. Yet to a great degree these justices see themselves as delineating basic rights, as, in a way, finding (or resetting) the law.

In one sense this disagreement is in the historical tradition of the concept of natural law—a disagreement between natural law as a body of inalienable human rights (in the tradition of Locke) versus natural law as the formulation of the inherent order of society, defined by precedent (in the tradition of Filmer). Yet in an age when natural rights are under a cloud, this is perhaps stretching the analogy. The patterns of our law have been changed by the revolution in thought, and it is certainly unlikely that any of the present justices would deny that the Constitution does not provide an unchanging charter. It would seem that the liberal members of the Court would be the very last to dispute this—especially inasmuch as one of them, Douglas, was a member of the Yale Law Faculty, one of the breeding grounds of sociological jurisprudence. Yet there is a widespread feeling that this group is trying to enact John Stuart Mill's *On Liberty* into the Constitution, not to mention more questionable tracts.

In any period of expanding judicial supervision of the legislative branch of government, such as the present, there is a danger of this tendency. It is hard to defend the Supreme Court in some cases.³⁰ In the case of *Lee v. Madigan* (1959)³¹ the Court held that 1949 was a "time of peace" in the meaning of the statute concerning the right of military courts-martial to try murder cases, despite the fact that a formal state of war still existed. The Court took a common-sense view of the meaning of "state of war," largely justifying this view of Congressional intent by reference to legislative care for the preservation of civil liberties, despite the fact that in 1951 Congress had passed a law, the Uniform Code of Military Justice, giving courts-martial the right to try murder cases involving soldiers in time of peace as well as war. Justice Douglas, in his opinion, declared that "we imputed to Congress an attitude that was more consonant with our traditions of civil liberties."³²

Imputations such as this have served to concentrate attacks on the Supreme Court. The question is how to establish a criterion of judicial restraint

³⁰ See Henry Hart, "The Supreme Court, 1958 Term, Foreword," *Harvard Law Review*, Vol. 73 (1959), p. 84.

³¹ 358 U.S. 228.

³² *Lee v. Madigan*, at 235.

when it is accepted that the role of judges involves a degree of policy determination. Professor Wechsler, of Columbia Law School, in the Holmes Lectures of 1959, reprinted in the November 1959 *Harvard Law Review*,³³ has attempted to establish part of such a criterion. He has suggested that in the area of constitutional interpretation judges should adhere strictly to the standards of law in a procedural sense; they should be consistent in treating different aspects of a single principle, notwithstanding personal conviction. In other words, judges cannot be automatons, and must opt for theories of interpretation, theories which reflect their views of the legal system and basic values. But within these theories the test must be whether the judges follow their principles even if this means a decision which is distasteful on the immediate facts.

The courts have both the title and the duty when a case is properly before them to review the actions of other branches in the light of constitutional provisions, even though the action involves value choices, as invariably action does. In doing so, however, they are bound to function otherwise than as a naked power organ; they participate as courts of law. This calls for facing how determinations of this kind can be asserted to have any legal quality. The answer, I suggest, inheres primarily in that they are—or are obliged to be—entirely principled. A principled decision, in the sense I have in mind, is one that rests on reasons with respect to all the issues in the case, reasons that in their generality and their neutrality transcend any immediate result that is involved.³⁴

This is no divining rod for judicial determinations, nor in this suspicious age will we find a formula to place the judiciary beyond calculating scrutiny. But it is clear that despite the far-reaching sweep of the reaction against natural law a sense of basic standards is being eagerly sought. Perhaps, as one would judge from Wechsler's essay, it is primarily procedural in orientation. But it may involve an acceptance of the idea that certain values have a social priority so great as to justify their intrusion into every area of government, and their defense by judges despite public pressure to the contrary. These rules are not immutable, although perhaps it might seem to many of us that they should be; they cannot be the mere reflection of the political opinions of the judges. But in the end the American system of government has provided that judges shall be the ones to safeguard them. Holmes himself, in writing to Laski, commented that "they [the bill of rights] embody principles than men have died for, and that it is well not to forget in our haste to secure our notion of general welfare."³⁵ Justice Frankfurter concedes, in his

³³ Herbert Wechsler, "Toward Neutral Principles of Constitutional Law," *Harvard Law Review*, Vol. 73 (1959), p. 1.

³⁴ *Ibid.*, p. 19.

³⁵ Mark Howe, ed., *Holmes-Laski Letters* (Cambridge, Mass: Harvard University Press, 1953), p. 21.

dissent in the *Trop* case, that Justice Holmes did not shrink from striking down congressional legislation.³⁶

It is very unlikely that the concept of a fixed natural law which judges can "find" will return to jurisprudence in our time; it seems far more likely that canons of judicial "neutrality" and a stronger attachment to traditional systems of limitations may be gaining ground. The problem is most clear in the Supreme Court, where political problems of law are predominant. In the area of private law, too, a consolidation of the relativist revolution may take place, although, since here the changes are often more slow, the process may take longer. The acceptance of the view that judges do, to some extent, "make law" will probably not be challenged, nor should that undermine popular faith in the judiciary. The example of Holmes, Brandeis, the Hands, and many others serves to illustrate that an awareness of the discretion involved in the judicial process will not necessarily make judges more irresponsible; it may, perhaps, make them less so. As has been pointed out, judges imported their values into the law before sociological jurisprudence had been heard of, and neither Marshall nor Field were devotees of legal realism. Those who find present day tribunals, such as our Supreme Court, extraordinarily reckless might well take heart on considering other courts in other times. The sophisticated awareness of power and social realities which marks our age has produced stresses in many institutions, and in retrospect it may well seem that the judiciary in the common-law countries has adapted better than most.

PETROLEUM ACCOUNTING CONFERENCE

The 1961 Petroleum Accounting Conference was held April 28 on the campus of the University of Wichita.

The program included discussions and speeches on the following subjects: Recent Tax Developments, Recent Developments in Regulatory Practices, Recent Economic and Legislative Developments, and Recent Financing Developments.

Carl Hurty, secretary-treasurer of Petroleum Inc., of Wichita, was general chairman of the conference. Co-sponsors were the Petroleum Accountants Society of Kansas, The Wichita Chapter of Certified Accountants, The Wichita Chapter of National Accountants Assn. and the University of Wichita.

³⁶ *Trop v. Dulles* p. 658.

Innovation in Judicial Technique: The Brandeis Opinion

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DURING THE HALF CENTURY since Louis Brandeis' bold presentation before the United States Supreme Court of social science data in his then unconventional brief in *Muller v. Oregon*,¹ an almost revolutionary change has occurred in the character of citations in the Court's opinions. The justices were so overwhelmed by Brandeis' masterly argument in the Muller Case that their spokesman dared, although timidly, to take notice in the Court's opinion of numerous state statutes and foreign legislation on hours of labor for women. Justice Brewer was apologetic, however, as he confessed: "The legislation and opinions referred to in the margin may not be, technically speaking, authorities, and in them is little or no discussion of the constitutional question presented to us for determination."²

Today, the barriers which may have caused Justice Brewer to hesitate in 1908 have nearly vanished from the practice of the United States Supreme Court. The mechanical conception of the judicial process which then prevailed has fallen before the onslaught of a moderate legal realism, and the justices freely turn to sources of information and opinion which would have shocked many of their predecessors and which, in fact, often startle the less flexible among their contemporaries. Evidence of the change in judicial technique can be readily seen by comparing the Reports of the October Term, 1907, with those of recent years. During the 1957 Term, some sixty-six law review articles and related sources were referred to in a total of twenty-four different opinions. The justices on the Court during the 1907 Term did not cite any such sources. This difference suggests the drastic change in the meaning of authority which has occurred in the space of fifty years which separates today's justices from the Muller Court. During that interval, current writing by legal scholars and social scientists has taken a place in the United States alongside legal precedents. Law schools, es-

¹ 208 U.S. 412 (1908).

² *Ibid.*, p. 420.

pecially, have assumed leadership in the development of the law—a role which previously belonged essentially to the judges.

United States Supreme Court practice now reaches far beyond reliance upon sources cited in briefs patterned after the Brandeis fashion. In their efforts at fact finding, the justices often go outside the briefs and arguments of counsel. For example, of the over-fifteen-hundred references to periodical writing in opinions of the fifteen Supreme Court justices who most often cited such materials from the 1916 through the 1957 October Terms, 74 per cent were to sources not cited in briefs.³

It is the purpose of this paper briefly to examine this innovation in the technique of the United States Supreme Court and related developments in Australia and Canada. In the latter two countries the practice which has been common in the United States Supreme Court for thirty years has won little acceptance. Comparison of the practices of these Courts reveals the connection between the realistic conception of the policy-making role of high court judges in the United States and the development of the Brandeis opinion:

Brandeis' Rationale—ex facto jus oritur

Like the earlier innovation in lawyers' briefs, the practice of independent judicial inquiry into the facts involved in cases originated with Justice Brandeis. During his first full term on the Court, he adapted to judicial opinions the technique which he had pioneered earlier in his Muller brief. In his first dissent in which he cited journal articles, Justice Brandeis carefully explained the reasons why he believed such sources should be considered by the Court. In *Adams v. Tanner*⁴ the Court held that a Washington statute which prohibited employment agencies from receiving fees from workers for whom they found jobs was a violation of liberty guaranteed by the Fourteenth Amendment. In thus reversing the lower court in this case, McReynolds' opinion ignored both contrary decisions of the Supreme Court, as Justice McKenna noted in dissent, and the social ills at which the Washington measure was aimed. In dissent, Justice Brandeis insisted that under the American principle of presumption of constitutionality such legislation must be sustained unless shown to be without basis in fact. He said:

... Whether a measure relating to the public welfare is arbitrary or unreasonable, whether it has no substantial relation to the end proposed is obviously not to be determined by assumptions or by *a priori* reasoning. The judgment should be based upon a consideration of relevant facts, actual or possible—*Ex facto jus*

³ See the author's "Legal Periodicals and the United States Supreme Court," *Midwest Journal of Political Science*, III (February, 1959), 58-74; *ibid.*, *Kansas Law Review*, VII (May, 1959), 477-489.

⁴ 244 U.S. 590 (1917).

oritur. That ancient rule must prevail in order that we may have a system of living law.

It is necessary to enquire therefore: What was the evil which the people of Washington sought to correct? Why was the particular remedy embodied in the statute adopted? And, incidentally, what has been the experience, if any, of other States or countries in this connection? . . . The sole purpose of the enquiries is to enable this court to decide, whether in view of the facts, actual or possible, the action of the State of Washington was so clearly arbitrary or so unreasonable, that it could not be taken . . .⁵

In his search for the facts behind the Washington statute, Brandeis turned to articles published in the *Political Science Quarterly*, the *American Labor Legislation Review*, and *Survey*. These sources supplied both general information about state regulation of employment agencies and explanations of the specific policy considerations behind Washington's restriction on private employment offices. None of the journal articles cited by Brandeis appeared in briefs filed in the Adams Case.

Brandeis' dissent won warm praise from Justices Clark and Holmes.⁶ The dissenting view was also approved in case notes in the *Harvard Law Review*,⁷ the *Columbia Law Review*,⁸ and the *Yale Law Journal*.⁹ However, only the latter journal took notice of the departure from the traditional in Brandeis' method. The *Yale Law Journal* note observed that the opinion was "remarkable for its modern method of approach and comprehensive marshalling of social data."¹⁰

For nine years Brandeis was the only member of the Court who cited such extrajudicial writing. Then in 1926 Justice Holmes condescended (for one of two times) to cite a *Harvard Law Review* article in one of his abbreviated opinions.¹¹ During the intervening period Brandeis had cited periodicals in eleven additional dissents and in six court opinions. By the time he retired he had cited journals in twenty-five court opinions, twenty dissents, and two concurrences. This total of forty-seven opinions represented only a small fraction of his massive total output, but it included several of his most-noticed judicial utterances.

These opinions were in cases which required the Court to exercise its

⁵ *Ibid.*, p. 600.

⁶ See comments quoted in Alpheus T. Mason, *Brandeis, A Free Man's Life* (New York: The Viking Press, 1956), pp. 517-518.

⁷ Note, "Prohibition of Employment Agencies," *Harvard Law Review*, XXXI (January, 1918), 490-491.

⁸ Note, "Regulation of Employment Agencies," *Columbia Law Review*, XVII (November, 1917), 635-636.

⁹ Note, "Employment Agencies Forbidden to Take Fees from Workers," *Yale Law Journal*, XXVII (November, 1917), 134-135.

¹⁰ *Ibid.*, p. 135.

¹¹ *United States v. Robbins*, 269 U.S. 315 (1926).

broadest creative powers in inventing law for new problems and in overruling previous authority. Brandeis' break with traditional concepts of authority corresponded in time with the emergence of increasing demands to adjust the law to the requirements of America's industrial economy. Of the forty-seven opinions in which he cited periodical sources, eighteen dealt with government regulation of economic activity. In those cases Brandeis called for the examination of pertinent economic considerations as a basis for judgment. Thirteen other opinions in which Brandeis cited law journals involved problems of judicial organization and procedure. The best-known instance of Brandeis' reliance on extrajudicial sources is his opinion for the Court in *Erie Railroad v. Tompkins*¹² in which Justice Story's ninety-six-year-old precedent in *Swift v. Tyson*¹³ was overruled.

Behind Brandeis' innovation in judicial technique lay a recognition of the essentially creative role of the Supreme Court. As the fiction that judges do not formulate law was exposed to increasing scrutiny, methods were sought to assure informed judicial policy determination. As explained in his dissent in *Adams v. Tanner*, Justice Brandeis believed that such informed judicial decision requires knowledge of essential facts, and, in the *Adams Case*, he used independent judicial investigation of the underlying facts in support of legislation. The rationale behind the opinion was that when the validity of a statute is challenged under due process or equal protection clauses, it is sufficient in defense of the law to demonstrate that reasonably informed legislators could believe that conditions justified the policy decided upon. As applied, however, the Brandeis formula for judging might also lead to overthrowing a legislative or administrative determination of fact or a long-standing judicial precedent found through research by counsel or the Court to be unfounded.

Reception of Brandeis' Technique

Brandeis' judicial technique did not become general among the Supreme Court justices until after the advent of the New Deal Court. As indicated above, during the first two decades after Brandeis inaugurated his method, he was joined by only a few of the other justices in the practice of citing current legal writing. Justices Stone and Cardozo were the other members of the pre-Roosevelt Court who referred most often to periodical sources. Before his appointment to the United States Supreme Court, Cardozo contributed to the prestige of journals by directing attention to the increasing importance of law reviews in the development of law.

Writing in 1931 for an introduction to a compilation of articles on the law of contracts, Cardozo observed that "the repressive cruelty of prejudice"

¹² 304 U.S. 64 (1938).

¹³ 16 Pet. 1 (1842).

against periodicals was beginning to vanish.¹⁴ In explanation of the change, he identified a shift in leadership away from the courts to the law schools. He said:

In the engulfing flood of precedents the courts are turning more and more to the great scholars of the law schools to canalize the stream and redeem the inundated fields . . . The transformation in all likelihood has been inevitable. Something might have been done to make it a little less abrupt, but the outcome would have been much the same. In any event the outstanding fact is here that academic scholarship is charting the line of development and progress in untrodden regions of the law.

This change of leadership has stimulated a willingness to cite the law review essays in briefs and in opinions in order to buttress a conclusion . . .¹⁵

Cardozo also attributed the citation of periodical writing to a change in the meaning of authority—"a recognition of the truth that an opinion derives its authority, just as law derives its existence, from all the facts of life."¹⁶ This was the outlook which Brandeis recommended.

Of the justices on the Supreme Court after Brandeis assumed his seat in 1916 up through the October Term, 1957, six did not cite learned journals at all and seven others cited such sources in only one or two opinions. The six who never cited journals were White, McKenna, Day, Van Devanter, Pitney, and J. H. Clarke. Those who cited periodical sources only once or twice were Holmes (twice), Butler (twice), Taft (once), Sutherland (once), Sanford (once), Roberts (once), and McReynolds (once). Even these few references to journals reveal slight reliance on the sources cited. In one instance, for example, Justice Butler cited periodicals to denounce reliance upon them in a majority opinion.¹⁷ The justices who were most hostile to the New Deal apparently remained as firm in their opposition to Brandeis' innovation in judicial technique as they were to the policies of the welfare state. But as the Roosevelt appointees joined in the use of Brandeis' method in their efforts to reconcile law with the demands of big government, the frequency of citation of current writing sharply increased. The six justices who have cited journal writing most often were all Roosevelt appointees: Frankfurter, Douglas, Black, Jackson, Rutledge, and Reed.

Although United States Supreme Court citation of periodical literature and related sources as authority has been common for several years, the

¹⁴ Benjamin Nathan Cardozo, "Introduction," *Selected Readings on the Law of Contracts from American and English Legal Periodicals*, ed., Committee of the Association of American Law Schools (New York: The Macmillan Company, 1931), pp. vii-xi.

¹⁵ *Ibid.*, p. ix.

¹⁶ *Ibid.*, p. x.

¹⁷ *O'Malley v. Woodrough*, 307 U.S. 277 (1939).

practice did not attract general public attention until the 1954 School Segregation Cases¹⁸ overturned the separate but equal doctrine of the fifty-eight-year-old precedent, *Plessy v. Ferguson*.¹⁹ Citation of professional publications of psychologists and sociologists in a footnote to the Court's opinion in *Brown v. Board of Education* gave rise both to applause and criticism of reliance on modern sociological authority. Actually, it appears that the Court relied only slightly on the journals cited in the Brown Case for limited available evidence of current psychological knowledge as one element of the Court's opinion.²⁰ In other fields where vast amounts of published research and authoritative opinions are available, as in antitrust law and economics generally, citation of current writing is more common, and reliance on sources cited appears greater.²¹

While the frequent citation of periodical writing and other extrinsic aids has been common in the opinions of the United States Supreme Court since the time of the New Deal, this practice has apparently gained little acceptance outside of this country. However, an examination of the reports of the high courts of Australia and Canada for a recent ten-year period reveals some citation of current legal writing by those courts which also exercise powers of judicial review.

During a ten-year period from 1948 through 1957, journals were cited in twenty-one opinions of the High Court of Australia. Forty-one articles from nine different periodicals were cited in these opinions.²² The reported summaries of arguments of counsel reveal eleven other cases in which journals were referred to by counsel, although not by the High Court.²³ During the same period, journals were cited in eight opinions of the Supreme Court of Canada. Eleven articles from five different law reviews were cited in these opinions.²⁴

Resistance to the Brandeis innovation in method of adjudication has remained strong in both Canada and Australia. The mechanical conception of the judicial office which formerly prevailed in the United States is still

¹⁸ *Brown v. Board of Education*, 347 U.S. 483 (1954); *Bolling v. Sharpe*, 347 U.S. 497 (1954).

¹⁹ 163 U.S. 537 (1896).

²⁰ For analysis of this subject see the article and sources cited by Edmond Cahn, "Jurisprudence," *New York University Law Review*, XXX (January, 1955), 150-169.

²¹ See the author's "The Supreme Court and Legal Writing: Learned Journals as Vehicles of an Anti-Antitrust Lobby?" *The Georgetown Law Journal*, XLVII (Fall, 1959), 105-143.

²² The most frequently cited periodicals were: *The Law Quarterly Review*, 24; the *Australian Law Review*, 4; and the *Harvard Law Review*, 4.

²³ Most of the periodical sources cited in the justices' opinions do not appear in the reported summaries of the arguments of counsel before the High Court.

²⁴ The most frequently cited periodicals were: *The Law Quarterly Review*, 5; and the *Modern Law Review*, 3.

dominant in those countries with comparatively little recognition of a creative role for their high courts in the exercise of judicial review.²⁵

As recently as 1950, counsel in a case before the Supreme Court of Canada was prevented from citing legal periodicals for the consideration of the Court because these materials are not traditionally authoritative.²⁶ In a case decided three years later, the Canadian Court refused costs to a successful appellant for preparation of a two-volume factum modeled after the Brandeis Brief.²⁷ The few periodicals which were cited by the Canadian Court during the period, 1948-1957, were relied upon as sources of comment on court cases and exposition of legal principles after the fashion of long-accepted legal treatises. This manner of citation of these sources indicates little change in attitude toward the task of constitutional adjudication.

The High Court of Australia has also demonstrated slight inclination to accept Brandeis' approach to judging. Most of the few citations of current legal writing in opinions of Justices of the High Court are minor references to comments on cases and to the history of legal principles. When, in 1951, the Court was asked to consider evidence about alleged facts relating to the Communist Party in a test of the legislative power of the Commonwealth to declare the Party illegal, the Court held that the evidence could not be adduced. In this respect, the following statement in an opinion in the Communist Party Case summarizes much of the traditional view of the judicial function:

... the question whether the defence of Australia requires the suppression of communist activities cannot possibly be determined by any decision upon facts. Facts which are viewed with abhorrence by persons of one political opinion are greeted with applause by their opponents. It is not for a court either to abhor or applaud. Even if all the facts stated in recitals in the present Act were proved to be true the decision as to whether the Australian Communist Party could constitutionally be suppressed or not would, upon the arguments for the plaintiffs, be made to depend entirely upon the political opinions of the judges. The Court should, in my opinion, have no political opinions.²⁸

Fact-finding and Judicial Notice

Brandeis' insistence upon informed judicial decision produced a relatively early approach to the fact-finding problems which confront courts, like the United States Supreme Court, which possess policy-making func-

²⁵ See: Edward McWhinney, *Judicial Review in the English-Speaking World* (Toronto: University of Toronto Press, 1956).

²⁶ G. V. V. Nicholls, "Legal Periodicals and the Supreme Court of Canada," *Canadian Bar Review*, XXVIII (April, 1950), 422-445.

²⁷ *Saumer v. Quebec*, (1953) 4 D.L.R. 641, 666.

²⁸ *Australian Communist Party v. Commonwealth*, (1951) 83 C.L.R. 1, 148.

tions. Through acceptance of the Brandeis technique, the United States Supreme Court has adopted a method which permits better-informed judicial decision both as a result of independent judicial inquiry and of evidence adduced by counsel.

Although this development arose from a recognition that the United States Supreme Court is compelled to answer policy questions as in the *Muller Case*, efforts have been made to bring such reliance on extra-record materials under the concept of judicial notice. Accordingly, strict requirements of indisputability which have been attached to that principle have been raised as limits upon the evidence which the Court may consider.²⁹ These requirements are aimed in part at limiting judicial policy determination. Actually, however, they may simply serve to narrow the knowledge of the Court in the performance of its inescapable, creative role. The rationale of judicial inquiry as developed by Justice Brandeis is inconsistent with such a restriction; Brandeis' formula requires only a showing of a reasonable factual basis to uphold a challenged statute. On the other hand, to be successful, an attack upon existing law under that rationale would require evidence of a lack of "reasonable" factual support. This standard might be termed one of indisputability; but since differences of belief about what is reasonable are not strange to the Court, this side of the Brandeis formula would also fail to meet the certainty requirement of a strict judicial notice provision.

As independent judicial inquiry and reliance upon political, social, and economic evidence gleaned from contemporary sources have increased, modifications of this oversimplified view of judicial notice have been made by a few legal scholars. Kenneth C. Davis has reconciled the Brandeis method of judicial inquiry with the principle of judicial notice by making a distinction between adjudicative and legislative facts.³⁰ Formal requirements of judicial notice would apply to adjudicative facts, which are those involved in a particular case. According to Davis, the usual requirements of indisputability and giving of notice to parties in a case would not be applied to legislative facts, which are those necessary to the informed creation of policy. Davis' classification of facts has been adopted by Charles T. McCormick in his recent *Handbook of the Law of Evidence*.³¹ McCormick, however, suggests as a safeguard in the practice of judicial inquiry the giv-

²⁹ See: American Law Institute, *Model Code of Evidence*, Rules 804 and 806; also, 20 *Am. Jur.*, "Evidence," secs., 18 and 19.

³⁰ Kenneth Culp Davis, "Official Notice," *Harvard Law Review*, LXII (February, 1949), 537-587; "Judicial Notice," *Columbia Law Review*, LV (November, 1955), 945-984.

³¹ Charles T. McCormick, *Handbook of the Law of Evidence* (St. Paul: West Publishing Co., 1954), Chap. 37, Sec. 329; also, "Judicial Notice," *Vanderbilt Law Review*, V (April, 1952), 296-323.

ing of notice to parties. This requirement is included in the provisions on judicial notice in the *Model Code*. Davis rejects this proviso: "the basic idea that parties must be notified before judicial notice can be taken is utterly impractical and could not conceivably be carried into practice."³²

Professor Davis' exposition brings the principle of judicial notice in line with the current practice of the Supreme Court. In doing this, it simply recognizes that the Supreme Court is required to make policy and that to do its job intelligently it must be free to consider all relevant facts, wherever it can find them and irrespective of the weaknesses of counsel. This was the idea behind Brandeis' innovation many years ago.

Freedom to go beyond the record for pertinent facts is not a perfect solution of the problem of judicial policy-making, however. Practical problems remain in the use of Brandeis' technique, in addition to a basic question of the proper limits to the Court's policy role.

The Court is ill-equipped for independent research into "legislative" facts. Although the assistance of law clerks is now available to each justice, these subordinates only slightly extend the research capabilities of the Court.³³ In the tradition of the advocacy system, the justices must still rely heavily upon the research of lawyers who appear before them. The present extent of citation in Supreme Court opinions of sources not mentioned in briefs of counsel attests to a continued failure among many counsel to fulfill this high responsibility. This may be due to some lack of recognition among many lawyers—even fifty years after Brandeis' example in the *Muller Case*—of the sort of complete information essential to the performance of the Supreme Court's role in our political system. While giving of notice to parties might add a safeguard in the use of "legislative" facts, that requirement is impractical in the entire number of cases in which the justices find independent exploration of underlying facts desirable. An increase in the personal assistance given to each justice or the establishment of a research organization attached to the Court would enable the Court to uncover more information. Such developments might tend to weaken the adversary process still further, however, and at some point the institution of

³² Davis, *Columbia Law Review*, LV, 975.

³³ Examination of the roles of the assistants to the justices is outside the scope of this short article. Some indication of the assistance to Justice Brandeis of his clerks may be afforded by Dean Acheson's comment about his research as a law clerk on one opinion:

[Justice Brandeis] wrote the opinion; I wrote the footnotes.

My footnotes up to that time were the Mount Everest of footnotes. Today, Justices of the Supreme Court write textbooks as marginal annotations of their opinions, but up to that time I had written the greatest footnotes, fifteen pages of footnotes.

Acheson, "Recollections of Service with the Federal Supreme Court," *Alabama Lawyer*, XVII (October, 1957), 355-366. The case referred to was *Ruppert v. Caffey*, 251 U.S. 264 (1920).

the Court itself would be so changed that the nine justices might be obscured by their growing army of subordinates.

The Court's newly articulated freedom in going beyond the record for pertinent facts may also accentuate the problem of irresponsible policy-making if independent judicial inquiry is actively used to support the substitution of the will of the justices for the will of elected lawmakers. The appointment to the Supreme Court of Justices with diverse professional and political backgrounds reduces the risk of a too narrow legalism—but judging may also run to the opposite extreme. The idea of Brandeis' method was that judgment based on expressed facts might be used to approve or limit policy, but as a creative device it should not exceed narrow limits of restrained power. The habit of freely examining policy considerations may result in a neglect of the presumption of validity of established legal principles and legislative policy. Among other products of such unrestrained judicial creativity is uncertainty of the law, such as may result from the proliferation of separate opinions. Since traditional restrictions of judicial notice appear to be impractical as limits to the Court's consideration of policy facts, the most apparent safeguard against this danger, outside of checks by the other branches of government, is an attitude of self-restraint among the justices. More thorough research by counsel might also get at the problem by reducing the necessity of extensive independent judicial inquiry into the facts involved in cases.

FACULTY MOBILITY

University of Texas faculty members abroad for teaching, researching, or other study in the areas of social science during 1960–1961 included: E. W. Cundiff, Professor of Marketing, France; Wendell Gordon, Professor of Economics, Argentina; Joe Neal, Director International Office, Arabia; Walter C. Neale, Assistant Professor of Economics, India.

Professor Benjamin Higgins and Visiting Professor Robin L. Marris were among 12 foreigners not in process of securing citizenship in the United States who were on the University staff.

Economic Adjustments of Negro Farmers in East Texas

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IN THE DECADE AND A HALF since the end of World War II, technological changes have been revolutionizing farming methods. These changes have affected nearly every type of farm production. Insecticides have improved insect control; chemicals have improved weed control. Dairy farming has been radically changed with the introduction of the bulk tank, milking parlors, cow pools. Poultry production has become a big, integrated business. Stilbesterol has made cattle fattening more scientific. Machines have replaced hand labor in a long list of field operations from beet thinning to cotton picking.

These and many other innovations have not only changed farming drastically; they have also forced farmers to change. Once a new practice has been adopted by a number of farmers and proved economically advantageous, other farmers must adopt it or fall behind in the struggle to produce and sell in a competitive market.

Anyone interested in the progress of Negro farmers will wish to know what adjustments they have made to these technological developments. Have they made the changes required of them or have they failed to adjust? This paper is written to provide a partial answer to this question by a) providing an indicator of the degree of technological change, b) indicating the possible theoretical adjustments, c) showing what adjustments have actually been made, and d) commenting on research in this area. It is assumed that even though this analysis is limited to East Texas it will be indicative of the adjustment possibilities faced by Negro farmers in other areas.

Technological change includes such a varied list of developments that it is difficult to aggregate and quantify them. It is necessary to find some common denominator that provides a way to measure the impact of all technological changes. The price of land provides an economic indicator of this nature. Each technological change that lowers costs, that increases output, or that increases the optimum scale of farming, will—*ceteris paribus*—increase monetary returns. Whenever there is an increase in the economic rent re-

ceived by land, then that return is capitalized into land value and land prices rise. Of course, the market price of farm land also reflects urban demand for land for purposes of speculation, for week-end and hobby farming, for recreational use, and for tax savings. Before World War II prices of farm land were determined largely by farmer demand based on agricultural productivity. Now prices are more closely associated with urban disposable income and non-farm as well as farm land use. Urban land buyers are frequently willing to pay more for land than a capitalization of its agricultural productive capacity justifies. Thus, the farmer interested in land for its agricultural production value alone often finds himself priced out of the market or under temptation to sell his present holdings for a price higher than his use of the land would indicate it to be worth. The level of land prices has an added significance in an analysis of adjustments of Negro farmers because its transfer is not on a commercial basis but is controlled by local mores. A review of recent trends in the land market indicates the impact of technological changes and urban demand on land prices.

According to the U.S.D.A. report on *The Farm Real Estate Market*, the dollar value of farm land in the nation advanced 68 per cent during the ten-year period, 1949-1959. The increase was 8 per cent in the year ending March 1, 1959, and 3 per cent in the year ending March 1, 1960. The increase in Texas has been comparable; the rise was 3 per cent in the year ending November, 1960.¹ Although these statistics are inadequate indicators of the complex changes taking place in our agricultural land market, they do point up the continuous sharp rise in land prices which has taken place during the past decade. The fact that this rise has been faster and more pronounced than the general price level indicates the extent to which changing technology has had a disparate effect on the agricultural situation.²

Adjustments of Negro Farmers in East Texas

The technological changes, both urban and rural, of the last decade and a half are all reflected in the higher price of agricultural land.³ How has the

¹ U.S. Department of Agriculture, *The Farm Real Estate Market*, (Washington: Agricultural Research Service, U.S. Department of Agriculture, May 1960 and February 1961).

² Cf. Frederic O. Sargent, *The Demand for Land in Texas*, Miscellaneous Publication 235, Texas Agricultural Experiment Station, October 1957, and "The Texas Agricultural Land Market—1958," *Texas Agricultural Progress*, Vol. 5 (March-April, 1959), pp. 3-4:19.

³ There are notable exceptions to this generalization. Irrigated land and land under intensive agricultural use is usually valued on the basis of agricultural production. Also, parcels of land adjacent to operating farm units may be worth more to the owner of the adjoining farm because he may be able to purchase and operate the additional land without an equivalent increase in his investment in other factors. See Frederic O. Sargent, "Land Market and Price Analysis in an Agro-Industrial Economy," *The Appraisal Journal*, XXVII (July 1959), pp. 359-364.

Negro farmer adjusted to this increase in price of one of the major input factors?

There are six possible adjustments that a farmer can make when he is faced with higher land prices and increased capital needs that result from new technology. 1) He may continue to farm in the old way and accept the relatively low level of living associated with inefficient techniques. This may be called in-place adjustment or toleration. 2) He may combine farming operations with an off-farm job and join the ranks of part-time farmers. 3) He may leave farming altogether and seek a new way of life in the city. 4) He may leave the farm, make money, and then return to the farm with the capital requirements met. 5) He may apply labor and capital more intensively to his given area of land. 6) He may be moved off the land as a result of reservoir construction and be forced to leave farming because of lack of opportunities.

In-place adjustment is the lot of all those who for a number of reasons cannot make any other adjustment. The "adjustment" in this case is to continue to accept a low level of living measured in economic terms and in many cases a slowly declining level of living. This adjustment is the lot of many members of three classes of Negro farmers: the female family heads, the physically handicapped, and the aged. Many of the female family heads would be capable of making a better adjustment except for their family responsibilities which occupy their time, reduce their mobility, and preclude the search for a better alternative. The physically handicapped and aged are prevented from making adjustments upward on the economic ladder by a labor market which is highly selective with reference to age, health and physical handicaps as well as with reference to other factors. A recent study of the low income farmers in Northeast Texas conducted by the U.S.D.A. indicates that over half of the low income Negro farmers are in these three categories.⁴

Part-time Farming. A second type of adjustment is that of combining work on the land with an off-farm job. This alternative is open primarily to those who live within commuting distance—which is about 60 miles—of some urban or industrial area. There are also a number of off-farm jobs available in small towns and county seats. A study of 100 part-time farm operators in Williamson County in 1956,⁵ indicated that the off-farm employment covered a great variety of jobs and occupations including driving

⁴ John H. Southern and W. E. Hendrix, *Incomes of Rural Families in North-east Texas*, Texas Agricultural Experiment Station, Bulletin 940, Oct. 1957.

⁵ Jimmy L. Emanuel, "Why Small Farmers Should Resort to Part-time Farming in Williamson County, Texas," unpublished Master's thesis, Prairie View A. and M. College, 1957.

a school bus, driving a truck, janitorial work, managing own business, professional work, carpentry, farm work, and work in a brick yard, an oil mill, a cotton gin, a garage, and a metal working plant.

In counties bordering large municipal areas, such as the Gulf Coast industrial area, Negro farmers have more and better alternatives for off-farm employment. These better alternatives show up in the relatively high number of farm purchases and in the development of part-time farming. In the Raywood Community in Liberty County which is within commuting distance from Houston, a study of fifty farm operators showed that the number of part-time farm operators had increased steadily from four in 1930-1935 to forty-three in 1950-1955.⁶ In this area, part-time farming is looked upon as a permanent adjustment, not a temporary expedient. Seventy-two per cent of the Raywood farmers said that they purchased their farms specifically for part-time farming. The remaining 28 per cent stated that they purchased their farms for full-time farming. All of the farms were of inadequate size for full-time operation according to modern standards based on the latest technology. The average size of farms was about 50 acres, with half of the acreage owned by the farmers and half of the acreage rented. The largest farm in the study was 365 acres.

Two other facts of interest were brought out in the study of Raywood Community. The average price paid for land per acre rose from \$27 before 1930 to \$483 during 1950-1955. The number of farms purchased reached a maximum of nineteen during the five years immediately following World War II.

Part-time farming is a method of utilizing farm labor which otherwise would not be employed productively. In a study of 100 part-time farm operators in Williamson County,⁷ it was found that on the average 3.2 people worked on each farm. The average number of men working on each farm was 1.8, the average number of women, 1.4. Usually in part-time farming, land is a limiting factor and a large amount of labor is applied to a small amount of land. It may not be profitable for a part-time farmer to invest in labor-saving machinery, so costs of production would be high if the value of labor were included in the budget.⁸ An indication that part-time farming is a permanent, desirable adjustment is given by the fact that incomes of part-time farmers are generally higher in East Texas⁹ than those of full-time farm operators.

⁶ John L. Freeman, "The Effect of Industrial Employment Upon the Farming Program in the Raywood Community, Liberty County, Texas," unpublished Master's thesis, Prairie View A. & M. College, 1957.

⁷ Emanuel, *op. cit.*, p. 7.

⁸ Freeman, *op. cit.*, p. 18.

⁹ Southern and Hendrix, *op. cit.*

Leave the Farm and Move to the City. The third adjustment made by farmers who had inadequate resources and who were prevented from buying additional land by lack of credit and lack of capital, or because of the competition of the nonfarmer demand for land, has been to leave the farm altogether for employment in the town or city. The nature of this shift and some of its reasons were brought out in a study of farmer adjustments in Limestone County, made by J. B. Scott.¹⁰ This survey states,

When World War II started and defense plants all over the country required additional labor the move from rural to urban centers began. The people of the county, having had a high degree of aggressiveness and considerable foresight, moved away in great numbers, some selling out all their property, personal and real estate.

At first, Limestone county seemed to hold some attraction as both the brick yards and textile plants were located there. Later the State of California and the State of Washington attracted more people. The men would leave first and send for their families later. Civic organization leaders such as P.T.A. president, the president of the Progressive Community Club, secretary of the Board of Trustees, and chairman of the Deacon's Council, superintendent of the Sunday School, moved away. With such key persons leaving, the community lay-leadership reached an all time low. The acreage planted to cotton, the basic crop of the county, was greatly reduced and the so-called "parity" from the government was not sufficient to off-set the acreage reduction. This fact, along with other conditions mentioned above, all but eliminated the agricultural opportunities in the county. The average farmer's attitude was one of resignation to the changed conditions. He saw no other recourse than that of giving up the idea of rearing and educating his children by farming the land.¹¹

Adjustment by leaving the land permanently and moving to the city is looked upon as regrettable and undesirable by many rural leaders and people interested in the values associated with rural life. However, this movement is a part of leaving one way of life and adjusting to another. In most cases it is associated with achieving a higher level of living and expanded economic and educational opportunities. When these goals are obtained the long run adjustment will probably permit the development and appreciation of the values which were formerly associated with rural society.

Leave the Farm, Accumulate Capital, and Return to the Land. Adjustment by accumulating capital in the city and then returning to the farm is

¹⁰ James Bernard Scott, "A Comparative Study of Income from Full-time or Part-time Farming of a Selected Group of Farmers in Limestone County, Texas," unpublished Master's thesis, Prairie View A. & M. College, 1957.

¹¹ For another informative case study of the movement to the city see Calsin B. Jefferson, "Tenancy as it Affects the Negro Farmer in Brazos County." Unpublished Master's thesis, Prairie View A. and M. College, 1956.

one that many hope for but few achieve. Two major difficulties make this route to farm ownership practically impossible. The first is the difficulty a person with an inferior education and training faces in making good in a highly competitive and discriminatory labor market. The second difficulty is a land market in which all of the best agricultural land is tightly held and not for sale, while poor land is overpriced for agricultural purposes because of the extensive nonfarm demand. In a score of master's theses examined at Prairie View A. & M. College, covering various types of farm adjustments, there was no example of this method of achieving farm ownership.

Intensification of Capital Inputs. Adjusting to insufficient land resources by intensified use of land already held is another method of adjusting to changes in technology, but it too was not found to be widely prevalent. A few exceptions consisted of farmers who had attempted to adjust by expanding poultry production. This method of adjustment is facilitated when capital needed for expansion is provided under a contract with a feed supply and marketing organization. A difficulty in this type of adjustment is that a more intensive enterprise requires superior management ability. The Negro farmers in East Texas have not had an opportunity to obtain the education necessary for superior management.¹²

Forced Adjustments out of Farming. To make this list of type adjustments complete it is necessary to mention an adjustment that may be unique to Negro farmers. It is adjustment out of farming forced by condemnation or purchase of the farm by a government agency for use as a reservoir. When members of the dominant ethnic group are required to leave their land as a result of reservoir construction it is usually possible for them to buy land in another place and continue the way of life and livelihood that they choose. When Negro farmers are required to sell out they are usually faced with the necessity of giving up farming. Peculiar characteristics of the land market operate to make land unavailable to members of certain minority ethnic groups. This is especially true in the case of Negroes.¹³

Research into Problems of Adjustment of Negro Farmers

The United States Department of Agriculture in cooperation with the land grant colleges is the greatest agricultural research system in the world. Research conducted by the U.S.D.A. and the agricultural colleges probe into nearly every facet of agricultural production and marketing. To what extent does this vast research network consider low income Negro farmers

¹² Cf. Address by C. R. Robinson, Farmers Home Administration U.S.D.A., at Prairie View Agricultural Finance Seminar, June 16, 1959.

¹³ Interview with Professor C. A. Bonnen, author of "Agricultural Losses from Reservoir Construction, Denton County," Texas A. & M. College Research Foundation, 1955.

and their problems of adjustment to changing technology? The answer in the case of East Texas is—very little. Studies have been made of the adjustments of farmers in the blackland belt in Central Texas,¹⁴ of the adjustments of farmers to a declining ground water table in the high plains,¹⁵ of the adjustments of farmers to high weather risk in the Panhandle, and of the adjustment of farmers in general—but a search of the literature indicates that no studies have been conducted on the Negro's adjustment problems. A research project that comes close to this sensitive area is a U.S.D.A. study of low income open-country people in the east of Texas. In this study a random sample of 1,189 open-country residents was selected for interviews. The sample included about 125 Negroes. Further analyses could be made of this survey to uncover specifically Negro problems and to further analyze the Negroes' position in the economy. The U.S.D.A. study has produced some valuable data about the resource base of low income farmers. Economists working on this study have also written some useful theoretical treatises on the low income problem.¹⁶

The principal differences in the economic adjustments of Negro farmers and white farmers in East Texas that requires separate research consideration are in the types of adjustment alternatives facing the farmer. While both may be limited by managerial ability, educational attainment, and adaptability to new, off-farm work, the Negro has the additional handicaps imposed by the peculiar discrimination in the land market that makes the acquisition of additional land very difficult. Other differences such as the income level and educational level at which different types of adjustments are made cannot be determined without additional research. Research in this area to date has been focused on a single racial group. The white land-grant college supported by the U.S.D.A. has specialized in studies of adjustments of white farmers, while research at the Negro land-grant college has been limited to studies of adjustments of Negroes. Uncoordinated research, stratified for nonacademic reasons on the basis of racial groups, as well as regional research that ignores or minimizes differences in racial groups, will fail to examine and analyze a large number of pertinent hypotheses that must be

¹⁴ *Financing the Dairy System on a Central Blackland Farm*, Texas Agricultural Experiment Station, Bulletin 837, September 1956. Also *Financing a Beef Cattle Enterprise on Blackland Farms*, Texas Agricultural Experiment Station, Bulletin 862, March 1956.

¹⁵ *Changes in Investment and Irrigation Costs, Texas High Plains, 1950-54*, Texas Agricultural Experiment Station, Bulletin 828, March 1956. Also John H. Southern, C. A. Bonnen and Tyrus R. Timm, "Economic Farm Adjustments in the Southwest," *Southwestern Social Science Quarterly*, Vol. 39 (September 1958), pp. 112-124.

¹⁶ Cf. William E. Hendrix, "Income Improvement Prospects in Low-Income Areas," *Proceedings of American Farm Economic Association Meeting* (Ithaca, New York, August 23-26, 1959). Also "The Economics of Underemployment and Low Incomes," *Proceedings Southern Agricultural Workers Conference* (Birmingham, Alabama, February 1-3, 1960).

explored to provide an understanding of the more significant changes that are taking place in rural society.¹⁷ A co-ordination of research between the two land-grant colleges, Negro and White, could be achieved within the present socio-political framework and without violating mores of either group. If such co-ordination is achieved it will lead to an improvement in research quality and will contribute significantly to a more profound understanding of the economic adjustments of all farmer groups.

¹⁷ Studies of income levels of other low and disadvantaged income groups in Texas may provide a precedent for more research in East Texas of this nature. See William H. Metzler and Frederic O. Sargent, *Incomes of Migratory Agricultural Workers*, Texas Agricultural Experiment Station, Bulletin 950, March 1960.

The Challenge of Economic and Business History

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THE RECENT, RAPID RISE of economic history and business history as fields for research and teaching is a current phenomenon that deserves attention. In the Southwest, as elsewhere across this country and abroad, representatives of different disciplines in increasing numbers are applying their skills to these challenging areas of effort. As a result, the amount of publication and the number of courses devoted to the economic aspects of history have mounted steadily. Still, the demand for *qualified* personnel in these fields exceeds the supply by a considerable margin. It seems appropriate, therefore, to review these trends in terms of the sources of scholarly interest, the background and subdivisions of economic history as an academic discipline, and the major developments of the last decade.

Sources of Scholarly Interest

The current upsurge of interest in economic history is closely related to problems of economic growth. With rival ideologies and economic systems vying for the support of underdeveloped nations and with genuine concern about the rate of growth of our own economy, economic growth has taken its place at the current frontier of economic research. While the institutional and historical approach to economic problems has always had an attraction for some economists, the burgeoning body of growth theory has given it new vitality. This is so because historical data provide empirical material with which to test and backstop theory. W. W. Rostow's *Stages of Economic Growth* (1960)¹ illustrates the provocative work in this area, while Benjamin Higgins' *Economic Development* (1959) is an excellent synthesis of such efforts. A different approach is exemplified by Perloff, Dunn, Lampard, and Muth, *Regions, Resources and Economic Growth* (1960), which combines quantitative economic analysis with an historical perspective in a regional analysis of growth problems.

¹ For bibliographic information about works mentioned in this discussion, see the Bibliography at the conclusion.

Business history has attracted increasing attention for the light that it throws on the functioning of our economic and business system. Since the planning, administering, and coordinating of private business decisions affect the whole of economic life, a growing number of scholars feel that a qualitative approach to the history of business yields significant results that can illuminate, guide, or supplement other types of research in economic history. In addition, business history has found a place in the curricula of a growing number of Schools of Business Administration.

On the quantitative level, the resources and prestige of major research organizations have stimulated and supported scholarly interest in—and contributions to—economic history. Much information about the American economy, especially in this century, has been the result of studies sponsored by the National Bureau of Economic Research, the Brookings Institution, and the Twentieth Century Fund. Our historical knowledge about national income and product, for example, is heavily dependent on Simon Kuznets' National Bureau studies. Again, we are indebted to the National Bureau for the most recent quantitative analysis of the great merger movement at the turn of the century, Ralph L. Nelson's *Merger Movements in American Industry, 1895-1956* (1959). Such examples could be multiplied in many areas of interest to economic historians.

Typically, the ranks of economic historians have been swelled by those trained in one of the two disciplines—economics or history—who then crossed over into the other when the occasion offered. An impressive number of dissertations in American history, for example, have economic subjects as their primary or peripheral concern. Frederick Merk at Harvard in the course of teaching the History of the Westward Movement inspired generations of graduate students with an interest in the economic aspects of our national life. Some of his students, like Ralph Hidy and Richard Overton, are senior scholars in American economic and business history today. The opportunities for graduate students in American history to follow in the footsteps of such men have been multiplied by the number of grants now available for study and research in economic history and its branches.

*Economic History and Its Subdivisions: The European Background*²

As an academic discipline, economic history is a comparative latecomer, but no later than many other interdisciplinary studies. Like them, its de-

² Further details on this subject can be found in Fritz Redlich, "The Beginnings and Development of German Business History," Supplement to *Bulletin of the Business Historical Society*, XXVI (September, 1952); and Henrietta M. Larson, "Business History: Retrospect and Prospect," *ibid.*, XXI (December, 1947).

velopment in this country was significantly influenced by work done abroad, especially in Germany and England.

The roots of present-day American economic history methodology lie in a movement by a group of German economists active at the turn of the century. These historical economists, "The Younger Historical School," departed from their classical brethren by adopting the inductive method. Striving to arrive at theories by studying facts, they naturally came to question the fictional "economic man."

The outstanding representative of this school was Gustav von Schmoller (1838-1917) of the University of Berlin. Interested in man and society, he perceived the importance of enterprise in the functioning of economic life. Decades of research went into his *Grundriss der Allgemeinen Volkswirtschaftslehre* (1901 and 1904), which included consideration of the market, competition, and business enterprise. Edwin F. Gay, a student of Schmoller's, was professor of economic history at Harvard and influenced men who helped to shape the discipline in this country. However, Schmoller and his followers were basically interested in social and economic systems and the broad movements of economic change—not in the business unit.

The concept of the firm as the object for analytical, historical study owes much to another German, Richard Ehrenberg (1857-1922), who started his career as an economist with a strong historical interest. Custodian of the papers of Heinrich von Thünen, Ehrenberg conceived the idea of putting economics on a more exact methodological basis by classifying and comparing data gleaned from such sources as account-books, family budgets, business correspondence, and other primary sources of this kind. The results were published in a periodical, *Thünenarchiv Archiv für Exakte Wirtschaftsforschung*, which first appeared in 1905. Ehrenberg's quest for greater exactness in economic methodology led him to investigate such subjects as the motives of businessmen, the hours of work in commercial enterprises, and the relationship between the inventor and innovator Werner von Siemens and his plant manager and partner. In short, Ehrenberg became engaged in what we would today call business history.

A contemporary of both Schmoller and Ehrenberg was Karl Bücher (1847-1930). He was intrigued by the "stage" approach to economic development (*Die Entstehung der Volkswirtschaft*, 1893). Bücher maintained that the whole course of economic development, at least in central and western Europe, could be embraced by his scheme. While the validity of this claim has been widely questioned, the methodology was adopted by numerous scholars. It was used by N.S.B. Gras in *An Introduction to Economic History* (1922) and enjoys current popularity through W. W. Rostow's resurrection of it as an approach to a theory of economic growth.

Psychological and sociological studies of the businessman owe much to Werner Sombart (1863–1941) and Max Weber (1864–1920). Sombart's *Der Moderne Kapitalismus* (see also *The Quintessence of Capitalism* and *The Jews and Modern Capitalism*) made business a significant institutional development in history and attributed a "spirit" to capitalism that gave new meaning to the role of the businessman. Weber's *The Protestant Ethic and the Spirit of Capitalism* is too familiar to need comment. His distinction between "ideal" and "real" types of economic behavior is less familiar but nevertheless an extremely important methodological contribution.

Recent developments in German economic and business history have been encouraging, but Germany for obvious reasons has lost the lead that she once had in these fields. There have been no recent efforts there comparable to those of Sombart and Weber to tie history and the social sciences more closely together.³

Economic history as a formal academic discipline got its start in England before 1880. One of the distinguished early practitioners was William James Ashley, author of *Introduction to English Economic History and Theory* (1888–1893). When the first chair in economic history in the English-speaking world was established at Harvard University in 1892, he was called to fill it. Various authors had dealt with English industrial history—the Webbs dealt with trade unions during the nineties, and Arnold Toynbee (1852–1883), with the Industrial Revolution even earlier—and Thorold Rogers, the pioneer English historian of prices, had begun his work as early as 1866. Still, the number of such scholars before 1900 could be counted on the fingers of two hands.

There is space here to mention only a few of the men who stand out in the development of English economic history in this century. One was George Unwin (1870–1925), who turned to economic history after he had completed his formal education at Oxford. His *Industrial Organization in the Sixteenth and Seventeenth Centuries*, published in 1904, preceded his appointment as a lecturer on economic history at Edinburgh, whence he moved to the University of Manchester in 1910. Unwin put major emphasis on the importance of individual enterprise in economic growth and widened the perspectives of economic history. His *Samuel Oldknow and the Arkwrights* (1924) comes close to being a business history. An excellent introduction to his work is *Studies in Economic History: The Collected Papers of George Unwin* (1958), edited by R. H. Tawney.

³ For the contemporary state of German economic history, see Fritz Redlich, "Recent Developments in German Economic History," *The Journal of Economic History*, XVIII (December, 1958), 516–530.

Another important figure of this period was W. R. Scott. His study of *The Constitution and Finance of Joint-Stock Companies to 1720* (1910–1912) is a classic account of the subject. The same can be said of William Cunningham's *The Growth of English Industry and Commerce*.

Sir John Clapham (1873–1946) deserves more than passing notice. Influenced by Lord Acton and Alfred Marshall, he established himself as a leading economic historian with *The Economic Development of France and Germany, 1815–1914*, published in 1921. *An Economic History of Modern Britain* (3 vols., 1926–1938) is a standard work; his two-volume study of *The Bank of England* illustrates his mastery of the art of synthesis. In 1928 he became the first professor of economic history at Cambridge University. (The first chair at Oxford was established in 1931.) Clapham was insistent that economic history is much closer to social history than economic theory and warned that neglect of noneconomic aspects of history by the economic historian was dangerous.⁴ This view is shared by the present incumbent at Cambridge, M. M. Postan.

While Unwin and Clapham were perhaps the giants, there are others whose work cannot be ignored. No mention of English economic historians would be complete without reference to R. H. Tawney. His *Religion and the Rise of Capitalism* relates religious thought to social and economic questions in their English context. While obviously indebted to Weber, Tawney attributes his initial interest in the subject to Ashley's essay on "The Canonist Doctrine" in *An Introduction to English Economic History*. T. S. Ashton is another English economic historian not to be overlooked, and Charles Wilson's *The History of Unilever* (1954) marks him as one of the most able economic and business historians on either side of the Atlantic.

To summarize, contemporary economic and business history in the United States owe much to the work of men in Germany and England. Anyone seriously interested in these fields should be familiar with the German publication devoted to business history, *Tradition*, and the English journals, *The Economic History Review* and *Business History*.

Economic History and Its Subdivisions: The United States

The maturity and inter-disciplinary nature of economic history in this country was formally recognized by the American Economic Association and the Economic History Association when they jointly sponsored a book of readings entitled *Enterprise and Secular Change*, published in 1953. The division of the book into three main sections—Business Units, Money and Prices, and Method—reflects in some degree the complex problems involved

⁴ Clapham has an excellent article on "Economic History as a Discipline," in the *Encyclopedia of the Social Sciences*, V (1931), 327–330.

in breaking economic history into its component parts. The first section, for example, contains selections relating to individual businessmen, their role in the economy and society, and the business organizations and institutions that they have created and employed. To a large extent, these areas embrace the subject-matter of business history and the micro-economic approach that characterizes it. However, the inclusion of articles by two of Edwin F. Gay's former students, N.S.B. Gras, the "father" of American business history, and Arthur H. Cole, the "father" of American entrepreneurial history, indicates that a further subdivision of the major discipline is possible. The second section of the book deals with one aspect of major economic movements and their quantitative analysis. It thus reflects the broad and most familiar substantive and methodological areas in economic history, which characteristically deals in aggregates and employs a macro-economic approach. The final section deals specifically with methodological problems, showing that this major discipline itself is a part of general institutional history, closely allied to other fields such as social history, and rent with controversies over such problems as the place of theory in economic history. The distribution of authors—fourteen Americans, three Germans, two French, two English, and one Swede—is out of proportion to respective national contributions, especially in the case of Germany and England.

Clearly, there are no easy, clear-cut dividing lines between the subdivisions of economic history, nor for that matter is there an easy and satisfactory definition of the parent discipline, but perhaps this is just as well. As Clapham pointed out, the most important discoveries are made at the overlapping margins of disciplines or sciences. For our purposes it may be sufficient to say that whether a scholar identifies himself as economic historian, business historian, or entrepreneurial historian, he is interested in how men made their living in the past, the aspects of their environment that affected their work, the institutions they created to get on with the job, and the results that they attained. The approaches to such problems of the past differ, but necessarily they involve, at a minimum, varying proportions of historical and economic methodology, reflecting the interests, training, and capacities of the practitioner. The shifting trends have been reflected in the pages of *The Journal of Economic History*, the organ of the Economic History Association.⁵

Business History

The increasing significance of business in the economy and society during the nineteenth and twentieth centuries drew the attention of economic his-

⁵ Annually since 1941, *The Journal* has published an issue devoted to "The Tasks of Economic History," which focuses on major topics of current interest.

torians to it as a subject for academic study. In 1927 the Harvard Business School called Professor N.S.B. Gras to occupy the first chair in business history established in any country. Interestingly, in this same year the first German specialist in writing company history was given academic status in his country.

Professor Gras and Dr. Henrietta M. Larson developed many of the concepts which have influenced American research and publication in the field of business history. They were pioneers in stressing the importance of looking at business through business records, in emphasizing the historical importance of the administration of the firm, and in demonstrating that broader areas of economic life, as well as its dynamic character, could be fruitfully approached from this direction. The Harvard Studies in Business History, commencing with Kenneth W. Porter's *John Jacob Astor, Business Man* (2 vols., 1931), have been influenced in greater or lesser degree by this approach. The series now comprises 20 volumes. In terms of interest in business history in the Southwest it is significant that the latest addition to the Studies is William J. Parish's *The Charles Ilfeld Company, a Study of the Rise and Decline of Mercantile Capitalism in New Mexico*. New York University and Northwestern University have followed Harvard's example in establishing a series of publications in Business History.

Under the influence of Dean Wallace B. Donham, the Business Historical Society was organized at Harvard in 1925 to promote academic and business interest in business history. From 1926 to 1954 the Society issued the *Bulletin of the Business Historical Society*. In the latter year this publication was succeeded by *The Business History Review*, which is still published at the Harvard Business School.

Currently in the process of being updated, the best analytical bibliography devoted to academic writings in the field is Henrietta Larson's *Guide to Business History* (1948). The mounting flow of academic and nonacademic writing in business history is recorded in Lorna M. Daniell's *Studies in Enterprise* (Harvard Business School, 1957) and annual supplements in *The Business History Review*.

Herman Krooss of New York University dates the rise of the "new Business History" from Dr. Larson's *Jay Cooke, Private Banker* (1936), the second book in the Harvard series.⁶ In this new era, with increasing emphasis on business as an economic force in history, masses of new data from company sources have been compiled on the administration and development of specific business units. Typical of such contributions is Ralph W.

⁶ Herman E. Krooss, "Economic History and the New Business History," *The Journal of Economic History*, XVIII (December, 1958), 469.

Hidy and Muriel E. Hidy, *Pioneering in Big Business, 1882-1911: History of the Standard Oil Company (New Jersey)* (1955), the first of a series of books on this important enterprise.⁷ Postwar research on the history of individual firms in the oil industry furnished the background for a projected two-volume history of the industry, the first volume of which appeared in 1959 under the auspices of Northwestern University and the American Petroleum Institute.⁸

In the past there has been some controversy over the possibility of building industry studies on the stepping stones provided by company histories. Whatever the virtues of this approach, it would take decades to cover only the most outstanding industries in the United States. So far only in the oil industry has it been possible, and even there company histories have provided only part of the industry picture. In England historical studies of industries have not waited for the accumulation of numerous company histories, and it seems likely that here work will progress on both fronts simultaneously.

Partly because of their company-by-company approach, business historians have been accused of being particularists, reluctant to generalize. Nevertheless, they have done much by their detailed and painstaking research in company records to modify some popular theories about the motivations of businessmen, the nature of the business decision-making process, and the role of private enterprise in economic growth. In addition, they have furnished material from which present-day students and practitioners of business administration can gain new perspectives on the implements and problems of their trade. Admittedly reluctant to generalize, business historians have now reached the point where they feel that the time has come for a tentative synthesizing of the history of American business.⁹

Entrepreneurial History

Broad outlines for postwar research in economic history were charted in an article by Arthur H. Cole in *The Journal of Economic History*, May 1944,¹⁰ where he discussed the research program sponsored by the Com-

⁷ Two more volumes have appeared since the Hidy's: George S. Gibb and Evelyn Knowlton, *The Resurgent Years, 1911-1927: History of Standard Oil Company (New Jersey)* (New York: Harper and Brothers, 1956) and Henrietta M. Larson and Kenneth W. Porter, *History of Humble Oil & Refining Company: a Study in Industrial Growth* (New York: Harper and Brothers, 1959).

⁸ Harold F. Williamson and Arnold R. Daum, *The American Petroleum Industry: The Age of Illumination, 1859-1899* (Evanston, Illinois: Northwestern University Press, 1959).

⁹ See Arthur M. Johnson, "Conference on the History of American Business, a Summary Report," *The Business History Review*, XXXIII (Summer, 1959), 204-210.

¹⁰ Arthur H. Cole, "A Report on Research in Economic History," *The Journal of Economic History*, IV (May, 1944), 49-72.

mittee on Research in Economic History. This committee of the Social Science Research Council selected for major emphasis two general areas of research. One was the role of government in American economic development—an area with definite policy implications. Among the results of this research program were several books which called for a reappraisal of the *laissez-faire* clichés about nineteenth-century American economic development.¹¹ The other major area which Cole recommended for research was "the role of entrepreneurship." The term was conceived "as embracing the initiation, growth, adjustment, and survival of individual business enterprises." Further, it comprehended "the strategic elements in business administration and the dynamic elements in economic change, with no little interplay of action and reaction with social and political groups in the nation." Especially important results have flowed from the work in this area.

The role of the entrepreneur in economic activity had been largely taken for granted in quantitative economics, although from varying points of view Sombart and Weber abroad, and F. H. Knight in this country, had suggested its importance. It was Joseph A. Schumpeter, however, who provided the inspiration for work in this field in the United States by his emphasis on an entrepreneur of heroic dimensions whose innovating role released the mainspring of economic change.

To develop more fully the study of entrepreneurship, a Research Center in Entrepreneurial History was established at Harvard in 1948 under the direction of Dr. Cole. For ten years it stimulated discussion, research, and publication on entrepreneurship.¹² Numerous seminal articles appeared in the Center's periodical, *Explorations in Entrepreneurial History*, and various publications appeared under the Center's auspices, including *Change and the Entrepreneur* (1949) and *Entrepreneurship and Economic Growth* (1954). Although the Center "operated upon the general philosophy of each participant doing what his talents and preferences led him to want to do," a body of increasingly sophisticated and significant material was turned

¹¹ See Oscar Handlin and Mary F. Handlin, *Commonwealth: A Study of the Role of Government in the American Economy, Massachusetts, 1774-1861* (New York: New York University Press, 1947); Louis Hartz, *Economic Policy and Democratic Thought: Pennsylvania, 1776-1860* (Cambridge: Harvard University Press, 1948); James Neal Primm, *Economic Policy in the Development of a Western State: Missouri, 1820-1860* (Cambridge: Harvard University Press, 1954), and Milton S. Heath, *Constructive Liberalism, The Role of the State in Economic Development in Georgia to 1860* (Cambridge: Harvard University Press, 1954). For the implications of these works, see Robert A. Lively, "The American System, A Review Article," *The Business History Review*, XXIX (March, 1955), 81-96.

¹² Among the numerous books influenced or supported by the Center are: Hugh G. Aitken, *The Welland Canal Company: A Study in Canadian Enterprise* (Cambridge: Harvard University Press, 1954); Thomas C. Cochran, *Railroad Leaders, 1845-1890: The Business Mind in Action* (Cambridge: Harvard University Press, 1953); and Sigmund Diamond, *The Reputation of the American Businessman* (Cambridge: Harvard University Press, 1955).

out for a decade. The results are reflected in Cole's *Business Enterprise in its Social Setting* (1959); in Cochran, Aitken, and Redlich, "The Research Center in Retrospect," *Explorations in Entrepreneurial History* (April, 1958); and John E. Sawyer's "Entrepreneurial Studies: Perspectives and Directions, 1948-1958," *The Business History Review* (Winter, 1958). Although the Center has been disbanded, its influence was widely felt, and men like Arthur Cole, Fritz Redlich, Leland Jenks, and Thomas Cochran are still actively writing in the field.

Entrepreneurial history developed independently from business history. The self-imposed task of those who joined Dr. Cole's group, representing different disciplines and approaches, was to restore the human element to general economic development. Working with the tools of the social sciences, they were interested in individual business units as the work of the entrepreneur, the object of their major interest, affected them. The Grasian group adopted a different approach, putting major emphasis on the administration of the firm, as an expression of the directing and coordinating function in economic life. Whereas the entrepreneurial historians placed heavy reliance on conceptual frameworks, the business historians tended to be empirically oriented in their approach. Obviously the work of each group tended at its border to merge with the other's. However, the business historians found themselves dealing primarily with business management and policy in the past, while the entrepreneurial group was closing with the macro-economic, sociological, and theoretical areas of economic history.

Recently, the sharp differences between business history and entrepreneurial history have been softened. This fact has been emphasized by the direction of current work at the Harvard Business School, where both sub-disciplines got their start in this country. Since 1958, for example, the School has been sponsoring a research project on policies and practices of Boston investors in the West during the nineteenth century. This work, to be published at a future date, utilizes a conceptual framework to examine the policies and practices of different types of investors and entrepreneurs as they affected specific business units. At the same time it attempts to evaluate their contributions to economic growth. Extensive empirical data is being used to test hypotheses, and it is hoped that meaningful generalizations will emerge. At present there are also two industry-wide projects in the initial stages of organization by the Business History Group at the School. Recipients of Business History Fellowships during the past two years have been interested in subjects as divergent as small business, trade associations, and the Texas Railroad Commission. In the current business history course at the School there is increasing emphasis on the relationship of the businessman and society, on economic growth, and on the role of

entrepreneurship in the evolution of business units. In short, the Harvard course and research are returning to some of the earlier, broad views of business history, and the boundaries of inquiry have been broadened to embrace far more than the history of the firm, though the firm and business decision-making remain the cornerstones of the approach.

Theory and Economic History

In the broad reaches of economic history, controversy still continues over the place of the quantitative method and economic theory. Some economists tend to emphasize the deficiencies of historical writing which ignores the tools of economic analysis. For example, two economists have offered this opinion:

This view that everything is unique, that there is no repetition or constancy in human behavior patterns, has had a pronounced influence upon the selection of material for studies in economic history. This is evidenced by the preoccupation with biographies, the preference for narrow case studies of unusually prosperous or influential persons and groups, and the concentration upon very limited periods in historical time.¹³

Historians might plead a qualified "guilty" to this charge, but at the same time they might also argue that the seeming precision of results obtained by applying quantitative methods and the tools of economic analysis to historical data can be seriously misleading. Some prominent economists share this view.¹⁴

Actually, as in the rapprochement between business history and entrepreneurial history, there seems to be increasing cordiality between economic theorists and economic historians. After all, the choice of tools by the economic historian in the last analysis depends on the questions for which answers are sought and on the direction from which he approaches economic history. It is gradually being recognized that the differences between theorists and empiricists and between particularists and generalists should not obscure the importance of their being able to borrow from one another's tool box as the occasion demands.

Economic and Business History in the Southwest

With the healing of old wounds, with new interest and a new generation of scholars at work, it seems clear that the opportunities for meaningful work in economic and business history are unlimited. Nowhere are they

¹³ John R. Meyer and Alfred H. Conrad, "Economic Theory, Statistical Inference, and Economic History," *The Journal of Economic History*, XVII (December, 1957), 530-531.

¹⁴ See, for example, the discussion, *ibid.*, p. 550.

greater than in the American Southwest. The role and contributions of this region in national economic development have so far attracted only limited attention, with its great natural resource—oil—receiving the most emphasis. Even there the surface, metaphorically speaking, has only been scratched. For example, the service industries that have grown up around the oil industry proper deserve a detailed, scholarly treatment. The historical possibilities of southwestern railroads, lumbering, meat-packing, and problems of public policy with respect to economic activity are virtually endless. The challenge is already beginning to be met, but whether one is interested in the entrepreneur, the enterprise, government-business relations, or economic growth, there is ample room for fresh and constructive contributions. The inclusion of an economic and business history session in the meetings of the Southwestern Social Science Association has given formal acknowledgment to the enthusiastic response, which observers in other parts of the country heartily applaud.

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Some Projected Changes in the Texas Labor Force

E. E. LIEBHAFSKY¹

TEXAS A. AND M. COLLEGE

BOTH THE BUREAU OF THE CENSUS and the Bureau of Labor Statistics have published projections of the United States population and labor force to 1975.² This article describes the methodology employed in one attempt to project the population and labor force of a state and it offers an interpretation of the projected changes. The research upon which the article is based was designed to test the hypothesis that the economic development of Texas, along with changes in the State's population during the next decade and a half, will produce the most significant changes in the Texas labor force among those groups which are, potentially, among the poorer prospects for trade union membership. Projected changes in the sex-age composition of the Texas labor force³ appear to validate the hypothesis. Projections of its industrial composition offer a less reliable validation and seem to support the contention that Texas is an underdeveloped area which will experience continued industrialization and economic growth between 1960 and 1975.

Methodology

The population and labor force estimates appearing in the accompanying tables are derived from national and state estimates existing at the time the

¹ The author is indebted to the Texas A. and M. College Data Processing Center for computations underlying the projections. He is also indebted to James E. Hibdon of Texas A. and M. College and Norman S. Wood of the University of Georgia for their helpful comments. Responsibility for errors, of course, lies solely with the author.

² U.S. Bureau of the Census, *Current Population Reports*, Series P-50, No. 69, "Projections of the Labor Force in the United States, 1955 to 1975," October, 1956, revised, December, 1958 (Washington: Government Printing Office, 1958). U.S. Department of Labor, Bureau of Labor Statistics, *Bulletin No. 1242, Population and Labor Force Projections for the United States, 1960-1975*, (Washington: Government Printing Office, 1959) (Hereafter cited as Bureau of Labor Statistics, *Bulletin No. 1242*). For a detailed discussion of the methodology employed by the Bureau of the Census, see Gertrude Bancroft, *The American Labor Force: Its Growth and Changing Composition* (New York: John Wiley & Sons, Inc., 1958), pp. 131-145 and 176-182.

³ Throughout this article, except where specific reference is made to the population or labor force of the United States, the estimates refer to the population or labor force of Texas.

study was made. No attempt was made to compile original empirical data.⁴ The estimates are based upon the following general assumptions:⁵ 1) Fundamental economic institutions in Texas and in the United States will not change. 2) There will be no catastrophic war or natural calamity. 3) There will be no major depression; and recessions will be neither more severe nor of longer duration than the recessions of the past decade. 4) There will be no significant change in the present rates of technological progress and scientific development.

These labor force estimates are based upon projections of the Texas population from 1950 to 1975 published by the Texas Research League,⁶ but two modifications were necessary to permit their use in projecting the labor force. First, the League's population data and estimates were presented according to census age intervals rather than labor force age intervals, and it was necessary, therefore, to remove the 14 year-old members of the population from the 10 to 14 age group and to add them to the 15 to 19 group.⁷ Second, the League computed net immigration at percentage rates derived from 1950 Census data and added net immigration as a lump sum to the total population estimate for each of the projected years. This required a

⁴ Subsequent to the completion of this study, the Texas Employment Commission published its projections of the Texas population and labor force for 1960 and 1970. Both the Commission's projections and those presented in this article were prepared before the 1960 Census of Population had begun and, consequently, are based upon 1950 Census data. See Texas Employment Commission, *Population and Labor Force Projections, 1960-1970* (mimeo.) and *Texas Labor Force, 1960-1970*, (Austin, April, 1960).

⁵ These are, essentially, the same assumptions as those made by the Bureau of Labor Statistics in its projections. See Ewan Clague, "The Shifting Industrial and Occupational Composition of the Work Force During the Next Ten Years," Address to AFL-CIO Conference on the Changing Character of American Industry, in *The Changing Character of American Industry* (Washington: AFL-CIO, 1958), pp. 1-22.

⁶ Texas Research League, *Projections of the Population of Texas, 1950-1975* (Austin: 1954) (Hereafter cited as Texas Research League, *Projections*). The League's projections employed the cohort-survival technique: a population of known age characteristics was "aged" successively over the period of the projection with an addition of births and a subtraction of deaths in accordance with past experience. Although any projection of population beyond ten years is hazardous, this article accepts the League's projections as being reasonably accurate.

⁷ Since the labor force is drawn from that part of the population which is at least 14 years of age, estimates were made of the number of individuals in the 10 to 14 group who could be expected to reach age 14 in each of the projected years. Analysis of data on live births and infant mortality, obtained from Texas State Department of Health *Vital Statistics in Texas* (Austin: 1955 and 1956), provided estimates of individuals reaching age 14 in 1950, 1955, 1960, 1965, and 1970. The 14 year-old group in the League's data was identified by estimating the number of live births surviving infant mortality for the years of birth of children who would attain age 14 in each of the years for which a projection was made. These estimates of the 14 year-old individuals were distributed according to color and sex upon the basis of percentages computed from the Texas Research League's population data and projections.

distribution of net immigration among the several labor force age intervals.⁸

These modifications of the League's projections produced the estimates of Texas population, 14 years of age and over, 1950 to 1975, which are shown in Table 1.

Table 1

Estimates of Texas Population, 14 Years of Age and Over, by Sex and Age, 1950-1975

(in thousands—adjusted for net immigration)

Sex and Age	1950	1955	1960	1965	1970	1975
Both Sexes						
14 years and over	5,584	6,245	6,764	7,376	8,059	8,703
Male						
14 years and over	2,782	3,109	3,350	3,648	3,983	4,298
14-19 years	368	399	482	585	665	687
20-24 years	314	336	341	403	486	552
25-34 years	603	672	659	657	722	863
35-44 years	547	585	613	636	623	617
45-54 years	421	487	532	546	572	592
55-64 years	285	334	380	429	468	480
65 years and over	244	296	343	393	448	506
Female						
14 years and over	2,802	3,136	3,414	3,728	4,076	4,405
14-19 years	352	384	469	564	634	655
20-24 years	320	319	329	389	469	526
25-34 years	616	679	648	628	697	836
35-44 years	552	595	626	653	619	600
45-54 years	412	483	541	567	596	621
55-64 years	281	335	392	448	503	526
65 years and over	269	339	407	478	558	643

Note: Because of rounding, sums of individual items do not necessarily equal totals.

Source: U. S. Bureau of the Census, *U.S. Census of Population: 1950*. Vol. II, *Characteristics of the Population*, Part 43, "Texas," Table 15, "Age by Color and Sex for the State," p. 64. Texas Research League, *Projections*, Tables VI-IX, pp. 31-34.

⁸ Utilizing 1950 Census data, it was assumed that 1) the movement of individuals throughout the South—both within and between states—would reflect essentially the same age distribution as would net immigration into Texas and 2) the 1950 percentage distribution of total net immigration by color and sex is logically applicable to the population 14 years of age and over. Upon the basis of these assumptions, the percentage distribution of Southern migrants among labor force age intervals was determined for each sex and color category. The resulting percentages were applied to the League's estimates of total net immigration to permit an allocation of net immigrants among the various labor force age intervals for 1950 and for each of the projected years.

Since historical data on Texas labor force participation rates are available for no year more recent than 1950,⁹ estimated Texas rates for 1955, 1960, 1965, 1970, and 1975 were computed through utilization of United States rates reported or projected by the Bureau of Labor Statistics.¹⁰ The national rates and the rates computed for Texas are presented in Table 2. The participation rate for males is expected to decline from 80 in 1950 to 76.1 in 1975, while the rate for females is expected to rise from 27 in 1950 to 32.6 in 1975. The decline in the participation rate of males is attributable, primarily, to the lesser propensity on the part of males 65 years and older to seek employment, while more intense labor market activity among females 35 years and older will account for much of the increase in the participation rate of females.

Application of the participation rates of Table 2 to the population estimates of Table 1 results in the estimates of the Texas labor force presented in Table 3. According to these estimates, the labor force will increase from slightly less than 3,000,000 in 1950 to approximately 4,700,000 in 1975.¹¹

Changes in the Sex-Age Composition of the Labor Force

The labor force estimates in Table 3, along with the per cent distribution of the projected labor force among the various age groups as shown in Table 4, provide a basis for interpreting the anticipated changes in the sex-age composition of the Texas labor force. The per cent of the labor force accounted for by males is expected to decline from 74.6 in 1950 to 69.9 in 1975, while the per cent accounted for by females is expected to rise from 25.4 to 30.1.

The rise in the proportion of the labor force accounted for by females between the ages of 35 and 64 reflects an increase in their participation

⁹ U.S. Bureau of the Census, *U.S. Census of Population: 1950*, Vol. II, *Characteristics of the Population*, Part 43, "General Characteristics," Table 66, "Employment Status by Age, Color, and Sex for the State" (Washington: Government Printing Office, 1950), p. 410. (Volume II of this census report will hereafter be cited as *1950 Census*, Vol. II.)

¹⁰ Bureau of Labor Statistics, *Bulletin No. 1242*, pp. 17, 54. The estimated Texas rates are based upon the assumption that the 1950 ratio of the Texas rate to the United States rate, for each population group, will be continued at least until 1975. Each ratio computed in this way was applied to the comparable participation rate reported or projected for the United States, thus producing a projected participation rate for each Texas labor force population group.

¹¹ It would appear that differences between the results of the Texas Employment Commission projections and those presented in this article are accounted for primarily by the fact that the Commission's projections are for each of two decenniums, while mine are for each of four quinquenniums. The differences are not particularly great, however, as is shown in the following comparisons in which Texas Employment Commission estimates are identified as "T" and my estimates are identified as "L." 1970 Labor Force: T—4,412,000; L—4,321,000. Sex Distribution of 1970 Labor Force: T—Male 72.0, Female 28.0; L—Male 70.1, Female 29.9. Labor Force as Per Cent of Total Population in 1970: T—38.7; L—38.6.

Table 2

Labor Force Participation Rates, United States and Texas, by Sex and Age, Actual or Estimated, 1950-1975

(annual averages—in per cent)

Sex and Age	United States						Texas					
	1950*	1955*	1960	1965	1970	1975	1950*	1955	1960	1965	1970	1975
Both Sexes												
14 years and over	56.8	58.0	58.1	57.8	57.8	57.9	53.3	54.4	54.5	54.2	54.2	54.3
Male												
14 years and over	82.4	82.3	80.9	79.1	78.4	78.4	80.0	79.9	78.5	76.8	76.1	76.1
14-19 years	47.5	49.0	47.9	47.2	46.6	46.9	44.6	46.0	45.0	44.3	43.8	44.0
20-24 years	86.9	89.5	88.1	87.0	86.3	86.0	84.6	87.1	85.7	84.6	84.0	83.7
25-34 years	94.4	96.5	96.5	96.5	96.5	96.5	91.5	93.5	93.5	93.5	93.5	93.5
35-44 years	96.5	96.9	96.9	96.9	96.9	96.9	94.4	94.8	94.8	94.8	94.8	94.8
45-54 years	94.6	95.1	95.1	95.1	95.1	95.1	92.4	92.9	92.9	92.9	92.9	92.9
55-64 years	85.1	86.4	86.4	86.4	86.4	86.4	83.8	85.1	85.1	85.1	85.1	85.1
65 years and over	45.0	38.5	36.0	34.0	32.2	31.0	41.5	35.5	32.2	31.3	29.7	28.6
Female												
14 years and over	31.9	34.5	36.4	37.6	38.3	38.5	27.0	29.2	30.8	31.8	32.4	32.6
14-19 years	26.4	29.7	28.6	28.2	27.8	27.9	20.1	22.6	21.8	21.5	21.2	21.2
20-24 years	44.4	45.8	45.4	45.3	45.2	45.2	35.3	36.4	36.1	36.0	35.9	35.9
25-34 years	33.5	34.8	37.9	38.7	38.9	39.1	29.1	30.2	32.9	33.6	33.8	34.0
35-44 years	38.0	41.4	43.0	45.5	47.0	47.9	33.4	36.4	37.8	40.0	41.3	42.1
45-54 years	36.9	43.5	48.2	52.1	54.5	56.0	31.3	36.9	40.9	44.2	46.2	47.5
55-64 years	27.3	32.2	37.4	40.6	43.0	44.4	22.2	26.2	30.4	33.0	35.0	36.1
65 years and over	9.5	10.3	11.0	11.7	12.2	12.6	6.7	7.3	7.7	8.2	8.6	8.9

* Actual rates. All other rates are estimates.

Source: All United States rates from Bureau of Labor Statistics, *Bulletin No. 1242*, pp. 17, 54. 1950 Texas rates from *1950 Census*, Vol. II, Part 43, "Texas," Table 66, "Employment Status by Age, Color, and Sex for the State," p. 410.

rates. Evidently, consistent with national expectations, more Texas women can be expected to seek jobs after their children have been enrolled in, or have completed school.

The increased participation rates for women, accompanied by the lower birth rates of the 1930's, produce a decrease in the proportion of the labor force accounted for by males whose ages will range from 25 to 54 in 1975. Although this latter group will increase, absolutely, by approximately 500,000, its decline as a proportion of the labor force is significant. Male

Table 3

Estimates of the Texas Labor Force, 1950-1975
(in thousands)

Sex and Age	1950	1955	1960	1965	1970	1975
Both Sexes						
14 years and over	2,983	3,417	3,681	3,983	4,321	4,666
Male						
14 years and over	2,226	2,501	2,638	2,812	3,027	3,260
14-19 years	164	183	217	259	291	302
20-24 years	265	293	292	341	408	462
25-34 years	552	628	616	614	674	807
35-44 years	516	555	581	603	591	585
45-54 years	388	453	494	507	531	550
55-64 years	239	284	323	365	398	409
65 years and over	101	105	114	123	133	145
Female						
14 years and over	756	915	1,043	1,171	1,293	1,406
14-19 years	71	87	102	121	134	139
20-24 years	113	116	119	140	168	189
25-34 years	179	205	213	211	235	284
35-44 years	184	217	237	261	255	253
45-54 years	129	178	221	250	275	295
55-64 years	62	88	119	148	176	190
65 years and over	18	24	31	39	48	57

Note: Because of rounding, sums of individual items do not necessarily equal totals.

Source: Tables 1 and 2.

workers between the ages of 25 and 54 constitute the primary working group of the population.¹² This group, and particularly its 25 to 44 year-old segment, normally supplies "the skilled workers required to replace losses created by death and retirement to fill expanding needs created by advancing technology."¹³

Earlier retirement is reflected in the decrease in participation rates of male workers 65 years and older. The more than threefold increase in the number of women in this age group seeking jobs is probably accounted for by their longer life expectancy and by the fact that they may not be covered by bargained pension plans. The increase in the absolute number of male workers between the ages of 14 and 24, considered in the light of the tendency toward more formal education, along with the increase in the rela-

¹² Clague, *op. cit.*, p. 5.

¹³ Bureau of Labor Statistics, *Bulletin No. 1242*, p. 49.

Table 4

Per Cent Distribution of Estimated Texas Labor Force, 1950-1975

Sex and Age	1950	1955	1960	1965	1970	1975
Male						
14 years and over	74.6	73.2	71.7	70.6	70.1	69.9
14-19 years	5.5	5.4	5.9	6.5	6.7	6.5
20-24 years	8.9	8.6	7.9	8.6	9.4	9.9
25-34 years	18.5	18.4	16.7	15.4	15.6	17.3
35-44 years	17.3	16.2	15.8	15.1	13.7	12.5
45-54 years	13.0	13.2	13.4	12.7	12.3	11.8
55-64 years	8.0	8.3	8.8	9.2	9.2	8.8
65 years and over	3.4	3.1	3.1	3.1	3.1	3.1
Female						
14 years and over	25.4	26.8	28.3	29.4	29.9	30.1
14-19 years	2.4	2.5	2.8	3.0	3.1	3.0
20-24 years	3.8	3.4	3.2	3.5	3.9	4.0
25-34 years	6.0	6.0	5.8	5.3	5.4	6.1
35-44 years	6.2	6.3	6.4	6.5	5.9	5.4
45-54 years	4.3	5.2	6.0	6.3	6.4	6.1
55-64 years	2.1	2.6	3.2	3.7	4.1	4.1
65 years and over	0.6	0.7	0.8	1.0	1.1	1.2
	100	100	100	100	100	100
Male, 25-54 years	48.8	47.8	45.9	43.2	41.6	41.6
Female, 35-64 years	12.6	14.1	15.6	16.5	16.4	15.6

Source: Table 3. Per cents are based on unrounded figures. Per cents are rounded.

tive importance of women 35 years and older, implies a rise in the number of workers seeking part-time jobs.

Despite these changes within the component age groups, the labor force will continue to constitute a relatively constant proportion of population. Table 5 reveals that, in Texas, the labor force will constitute approximately 38 per cent of the total population and approximately 54 per cent of the population 14 years of age and older.

Geographic and Industrial Shifts in Employment

The continued development of the Texas economy to and beyond 1975 will be accompanied by shifts in the geographic and industrial composition of employment. This article's analysis of such shifts is based upon a Uni-

Table 5

Estimates of Texas Population and Labor Force, 1950-1975

Year	Estimates (thousands)			Labor Force as Per Cent Of	
	Total Population	Population 14 Years of Age and Over	Labor Force	Total Population	Population 14 Years of Age and Over
1950	7,711	5,584	2,983	38.7	53.4
1955	8,861	6,245	3,417	38.7	54.7
1960	9,647	6,764	3,681	38.2	54.4
1965	10,427	7,376	3,983	38.2	54.0
1970	11,231	8,059	4,321	38.5	53.6
1975	12,087	8,703	4,666	38.6	53.6

Source: Total population data for 1950 are census figures. Data for 1955 through 1975 are from: Texas Research League, *Projections*, p. 6. Estimates of population, 14 years of age and over and labor force estimates are from Tables 1 and 3.

Table 6

Ratio of Projected 1975 Employment in Manufacturing (Including Mining) to Projected 1975 Employment in Agriculture (Including Forestry and Fisheries), Per Cent of Population in Labor Force, and Indexes of Basic Employment, by Labor Market Area, Texas Gulf Basin, 1940-1975

Labor Market	1975 Employment	Labor Force as Per Cent of Population				Indexes of Basic Employment ^a			
	Ratio	1940	1950	1954	1975	1940	1950	1954	1975
Lower Sabine ^b	16.20	38	38	38	40	100	215	158	321
Houston	7.64	42	40	40	41	100	150	171	279
Fort Worth	5.93	40	41	41	41	100	224	293	454
Longview-Marshall	5.59	39	38	38	40	100	102	132	241
Dallas	5.41	42	42	43	44	100	159	223	326
Victoria	3.61	38	38	38	40	100	109	193	519
Lufkin	3.41	35	34	35	36	100	103	102	158
Corpus Christi	3.34	37	36	36	36	100	152	207	433
Tyler	2.16	36	36	36	37	100	88	96	186
San Antonio	1.50	39	38	38	38	100	123	153	235
Waco	1.21	36	38	41	40	100	117	150	251
Middle Sabine ^c	1.08	34	32	33	33	100	86	89	107
Austin	.65	38	37	37	37	100	105	124	194
Palestine	.60	35	34	35	35	100	76	73	87
Lower Rio Grande Valley	.46	35	34	34	33	100	130	140	233
Bryan	.34	38	34	36	35	100	68	82	108

^a "Basic employment" is defined as employment in "industries . . . which supply goods and services outside the area and, therefore, bring income into the area."

^b Chambers, Jefferson (Beaumont-Port Arthur), Orange, Hardin, Tyler, Jasper, and Newton counties.

^c Sabine, San Augustine, Shelby, and Panola counties.

Source: Computed from data and projections in *Water for the Future*, Vol. III, *Trading Areas in the Texas Gulf Basin*.

versity of Texas, Bureau of Business Research study of the economic development of the Texas Gulf Basin.¹⁴ That study includes projections of population and employment within sixteen labor market areas¹⁵ which, in 1950, accounted for approximately 76 per cent of the total Texas population.

The projected 1975 geographic shifts in employment within the Texas Gulf Basin are set forth in Tables 6 and 7. In Table 6, the sixteen labor market areas have been ranked according to ratios of projected 1975 employment in manufacturing to projected 1975 employment in agriculture. Thus, for example, the Lower Sabine labor market, including Beaumont, Port Arthur, and Orange, is expected to employ sixteen workers in manufacturing for each worker employed in agriculture in 1975. Table 6 also shows, for each labor market, a labor force participation rate for each of the years 1940, 1950, and 1954, and a projected 1975 rate. In addition, it offers, for each labor market, indexes of basic employment. Table 7 presents estimates of basic employment, by labor market areas, for 1940, 1950, 1954, and 1975 and the per cent distribution of employment by labor market areas for each of these years. Within Table 7, the labor market areas have been classified according to 1954 covered manufacturing employment.

Examination of the data and estimates appearing in Tables 6 and 7 reveals that high participation rates and high indexes of 1975 employment are, generally, associated with high ratios of manufacturing to agricultural employment. It suggests, also, that a high rate of growth in basic employment within a labor market area is to be associated with an increase in the percentage of total basic employment accounted for by that labor market area.

Contrary to popular belief, the most dramatic growth in employment is not expected to occur among plants employing large numbers of workers such as those in the petroleum, fabricated metals, and machinery industries of the Houston area. Smaller employers, producing electronic equipment, clothing, and other specialized products, are expected to continue to grow in number and to account for the higher indexes of employment in the Dallas-Fort Worth area and the more impressive increases in percentages of total basic employment attributable to that area. Employment increases in coastal cities, such as Beaumont, Port Arthur, Corpus Christi, and Victoria, are accounted for, primarily, by continued expansion in the production

¹⁴ The University of Texas, Bureau of Business Research, *Water for the Future* (Austin: 1959) (Hereafter cited as *Water for the Future*).

¹⁵ The authors of the study utilize the term, "trading area," rather than the term, "labor market area." Their definition, however, approaches rather closely the labor economist's concept of a geographic labor market. *Ibid.*, Vol. I, *Resources of the Texas Gulf Basin*, p. 5.

Table 7

Basic Employment^a in Texas Gulf Basin Labor Market Areas Classified by Number of Covered Manufacturing Employees in 1954, Selected Years, 1940-1975

Labor Market and 1954 Covered Employment	1940		1950		1954		1975	
	Number Employed	Per Cent	Number Employed	Per Cent	Number Employed	Per Cent	Number Employed	Per Cent
<i>25,000 and Over</i>								
Lower Sabine ^b	73,803	7.0	158,519	10.6	116,319	6.5	237,231	8.2
Dallas	161,273	15.4	256,966	17.2	358,976	20.2	525,100	18.1
Fort Worth	76,493	7.4	171,005	11.5	224,288	12.6	347,490	12.0
Houston	236,912	22.6	356,427	23.8	405,857	22.8	661,710	22.8
<i>10,000 to 24,999</i>								
San Antonio	132,786	12.7	163,299	10.9	202,812	11.4	311,488	10.7
<i>5,000 to 9,999</i>								
Corpus Christi	35,006	3.3	53,141	3.5	72,290	4.1	151,510	5.2
Waco	69,797	6.8	81,632	5.4	104,606	5.9	174,880	6.0
<i>1,000 to 4,999</i>								
Austin	54,056	5.1	56,894	3.8	67,007	3.8	104,655	3.6
East Texas	(158,557)	(15.1)	(139,410)	(9.3)	(153,509)	(8.6)	(249,299)	(8.6)
Bryan	23,283	2.2	15,773	1.0	19,174	1.1	25,072	.9
Longview-								
Marshall	24,469	2.3	25,054	1.7	32,259	1.8	58,990	2.0
Lufkin	25,134	2.4	25,797	1.8	25,714	1.4	39,701	1.4
Middle Sabine ^c	19,386	1.8	16,751	1.1	17,203	1.0	20,664	.7
Palestine	19,641	1.9	14,982	1.0	14,279	.8	17,099	.6
Tyler	46,644	4.5	41,053	2.7	44,880	2.5	86,773	3.0
South Texas	(47,650)	(4.6)	(60,167)	(4.0)	(71,921)	(4.1)	(138,324)	(4.8)
Lower Rio Grande								
Valley	38,144	3.6	49,709	3.3	53,584	3.0	88,999	3.1
Victoria	9,506	1.0	10,358	.7	18,337	1.1	49,325	1.7
Total, all areas	1,046,333	100.0	1,497,460	100.0	1,777,585	100.0	2,901,687	100.0

^a "Basic employment" is defined as employment in "industries . . . which supply goods and services outside the area and, therefore, bring income into the area."

^b Chambers, Jefferson (Beaumont-Port Arthur), Orange, Hardin, Tyler, Jasper, and Newton counties.

^c Sabine, San Augustine, Shelby, and Panola counties.

Source: *Water for the Future*, Vol. III, *Trading Areas in the Texas Gulf Basin*. Texas Employment Commission, *Covered Employment 1954* (Austin: 1955).

of petroleum products, chemicals, and petro-chemicals.¹⁶ Predominantly agricultural areas (East Texas and the Lower Rio Grande Valley) show significantly smaller increases and, in some cases, decreases in their shares of total basic employment. Predominantly nonmanufacturing metropolitan centers, such as Austin (education and state government), San Antonio (military), and Waco (agriculture and education) also account for declin-

¹⁶ *Ibid.*, pp. 106-119.

ing percentages of total basic employment. It is reasonable to assume that workers will continue to migrate primarily to manufacturing centers as they leave agricultural areas.

Finally, Table 8 presents estimates of basic employment and indexes of basic employment, by industry, within the Texas Gulf Basin for the period 1940 to 1975. Agricultural employment is expected to decline to slightly more than half of the 1940 level, while manufacturing employment will increase more than fourfold. The lesser magnitude of increases in trade and service employment suggest that the 1975 Texas economy will not yet have achieved the transition from an underdeveloped to a highly-developed economy. In other words, workers are more likely to be moving from agricultural to manufacturing, than from manufacturing to service jobs. The magnitude of the increases in manufacturing employment seems to suggest that the 1975 Texas worker will, typically, be a male employee in a manufacturing plant. While he may be one of a thousand employees in a Houston plant, he is more likely to be one of a hundred employees in a Dallas-Fort Worth plant. His wife, if she has enrolled the children in school—or if she has been successful in encouraging them to establish their own households—is likely to be a part-time employee in the trade-service sector.

Table 8

Basic Employment in the Texas Gulf Basin, by Industry, Selected Years, 1940–1975

Industry	Basic Employment							
	Number Employed				Indexes (1940 = 100)			
	1940	1950	1954	1975	1940	1950	1954	1975
Agriculture, Forestry and Fisheries	450,873	348,469	278,952	247,125	100	77	62	55
Mining	38,123	49,685	58,230	78,325	100	130	153	205
Manufacturing	145,302	278,481	350,379	674,419	100	192	241	467
Wholesale Trade	8,252	15,182	16,417	22,000	100	184	199	267
Retail Trade	9,365	14,658	16,623	21,300	100	157	178	227
Finance and Insurance	6,484	10,380	12,990	17,600	100	160	200	271
Basic Services	30,039	31,632	33,443	40,350	100	104	110	133

Source: Computed from data and projections in *Water for the Future*, Vol. III, *Trading Areas in the Texas Gulf Basin*.

Summary and Conclusions

The Texas population, 14 years and older, will approximate 8,700,000 persons in 1975 and will include approximately 100,000 more females than males. In the 35 year and older group, females will outnumber males by

approximately 200,000. There will be an excess of more than 130,000 females over males, 65 years of age and older.

Labor force participation rates for females, 35 years and older, are expected to increase significantly. Consequently, females in this group will show the greatest gain as a percentage of the labor force. The primary working group, males between the ages of 25 and 54, will decline in relative importance: from 48.8 per cent of the labor force in 1950 to 41.6 per cent in 1975.

Metropolitan-manufacturing centers will experience the greatest relative increases in basic employment and the highest area labor force participation rates. Predominantly agricultural areas and nonmanufacturing metropolitan centers will experience smaller relative employment increases and relatively lower participation rates.

By 1975, agricultural employment will have declined to slightly more than half of the 1940 level. Manufacturing employment will have more than quadrupled. Wholesale trade and finance-insurance employment will have increased more than threefold. Employment increases in tertiary industries will have been less dramatic than in secondary industries. These changes, along with declining employment in primary industries, are indicative of the Texas Industrial Revolution.

It appears, then, that the most significant changes in the Texas labor force will occur among those groups which, potentially, are among the poorer prospects for trade-union membership. Within the limitations imposed by the estimates presented in the tables, this article suggests the following implications of the effects of the projected changes:

First, the rise in the participation rate of females, 35 years of age and older, implies an increase in the number of part-time workers. As part-time workers, who are in the labor market primarily to supplement family incomes, women are poor prospects for trade-union membership. The possibility of negotiated retirement benefits may induce some of these women to join unions. However, they are likely to be employed in occupations which are not highly organized.

Second, although the proportion of the labor force accounted for by males is expected to decline, the primary working group will increase, in absolute terms, by approximately 500,000. These workers will be better prospects for trade-union membership, for they will, probably, be employed in the goods-producing sector of the Texas economy. Yet geographic location will be a major determinant of the attitudes on the part of these workers toward joining unions. The blue collar worker is likely to be employed in a small plant in the Dallas-Fort Worth complex or in a large plant in the Houston area. In Dallas-Fort Worth, he is likely to experience a highly personal rela-

tionship with his employer. This "proximity influence" may tend to cause him to aspire to a supervisory position or, perhaps, even to entrepreneurship. If, however, he is employed in heavy industry in Houston or another coastal city, he will probably view trade-union membership as the foundation of his economic security.

Finally, it should be noted that the 1975 Texas economy will not yet be a highly-developed economy. Contrary to the national pattern, employment in goods production can be expected to have grown more rapidly than employment in service industries. Potentially, this should contribute to increased trade-union membership. Institutional forces, however, will probably continue to deter union membership. Although the 1975 Texas worker's environment may have been that of the industrial economy for much of his adult life, he is likely to communicate frequently with a country cousin or with associates whose values have been molded by a predominantly individualistic, agrarian society.

CHARACTERISTICS OF A LABOR MEDIATOR

According to a Cornell University study, it is more important to both labor and management that a mediator be intelligent and have a good background in their history and problems than that he try to please both sides. They look for guidance and even some firmness rather than a winning personality and passive attitude.

This information is the result of a study which Henry A. Landsberger, associate professor of industrial and labor relations at Cornell, conducted in 1955 and 1958 with the cooperation of the New York State Board of Mediation and the Michigan Labor Mediation Board.

Surprisingly, perhaps, labor and management representatives agree on the basic characteristics they prefer in a mediator and on their evaluation of mediators they work with. Neither wants him to show preference for one side or the other—not even for their own—and neither group has found much of this bias in the mediators they have worked with.

Tendencies of California Direct Legislation

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IN 1911 WHEN THE INITIATIVE AND referendum were finally incorporated into California law the work of Dr. John R. Haynes and others in behalf of the Californian's right to initiate legislation finally bore fruit¹ and years of agitation and effort were rewarded. The amendment providing for the initiative and referendum appears in the State Constitution as Article IV, Section 1, and was adopted on October 10, 1911.²

Since its passage the provisions for direct legislation have not been allowed to become atrophied. The passage of each two-year election-period since 1912 has witnessed the appearance of, on the average, twenty-two proposals of one sort or another for consideration by the electorate. The cost of these proposals to the particular interests sponsoring them has been great. The exact amount is difficult to determine because enforcement for the requirement of reporting such expenditures is lacking. However, it is estimated that the average cost runs between \$50,000 and \$65,000. A maximum amount reported for one election ran over \$1,000,000.

While it is difficult to assess with mathematical accuracy the over-all tendency of direct legislation in California, certain definite trends over a period of nearly half a century are clearly discernible. For purposes of convenience the trends will be classified under four headings: political, social, fiscal, and educational. This classification has no ironclad logic. Education is obviously a social issue. Likewise, many aspects of education involve important fiscal considerations. However, education appears frequently enough as a subject

¹ Winston W. Crouch, *The Initiative and Referendum in California* (Los Angeles: The Haynes Foundation, 1950); Winston W. Crouch and V. O. Key, "The Initiative and the Referendum in California," *Publications of the University of California at Los Angeles in Social Sciences*, VI, (1936-1939), 423-498; California State Chamber of Commerce, *Initiative Legislation in California*, San Francisco, 1950. In the Haynes Foundation publication Crouch offers a thorough summary of the progress of the referendum and initiative through 1949.

² *Constitution of the State of California and Summary of Amendments* (Sacramento: California State Printing Office, 1925).

for direct legislation to justify considering it as a separate classification, especially in view of current public interest in specifically educational issues.

Apparently not all of the California citizenry was satisfied with provisions for the initiative as an improvement in California politics. An attack on the initiative as a political device was not long in coming. In 1920 an attempt was made to limit its use, but this effort failed (298-421).³ However, in the following election efforts to weaken the initiative were renewed in a new proposed amendment. This amendment was crushed by more than 100 thousand votes. Interest in changing the initiative through the initiative process died at this point until 1950 when a provision to bar names in initiative measures was passed (1,985-910).

Limit Use of Initiative

	Thousands	
	Yes	No
1920 Limit use of initiative. (I) ⁴	298	421
1922 Weaken initiative. (I)	258	378
1950 No names by initiative. (I)	1,985	910

One important area of politics to come up for consideration by initiative or referendum was the matter of elections. In 1915 a referendum proposal for non-partisan nomination of state officers was crushed (112-156). On the same ballot an effort to remove party symbols suffered a similar fate (106-151). The following year a proposal for an open primary system edged near to success but was nonetheless defeated by a safe margin (319-349).

Elections

	Thousands	
	Yes	No
1915 Non-partisan nomination. (R) ⁵	112	156
1915 Remove party symbols. (R)	106	151
1916 Open primary. (R)	319	349

³ All votes indicated in parentheses are in thousands of votes. The yes vote is always listed first. The data covering elections from 1912 to 1949 was drawn from Crouch, *Initiative and Referendum*, pp. 42-49. For materials after 1949 the sources consulted were *State of California, Statement of Vote, General Election, November 7, 1950*, compiled by Frank M. Jordan, Secretary of State, pp. 26-31; *ibid.*, November 6, 1956, pp. 22-29; *ibid.*, November 4, 1958, pp. 26-34; *Handbook California Legislature 1953 Regular Session*, pp. 423-424; *ibid.*, 1955, pp. 444-445.

⁴ An initiative measure.

⁵ A referendum measure.

Perhaps of greater importance to the future of California elections were the crucial reapportionment elections of 1926. Two offerings were made on the same ballot. One proposed reapportionment by population. It went down to defeat (319-492). The federal plan for reapportionment was accepted in its stead (437-363). Two years later the federal reapportionment plan was approved for a second time, this time with a margin of more than 100 thousand votes (692-570). The only other important adjustment in the political machinery of California by direct legislation was a 1930 initiative statute to adopt a permanent registration system. It was overwhelmingly approved (609-447).

Reapportionment

	Thousands	
	Yes	No
1926 Population reapportionment. (I)	319	492
1926 Federal plan reapportionment. (I)	437	363
1928 Federal plan reapportionment. (R)	692	570
1930 Adopt permanent registration. (I)	609	447

In California the field of labor legislation has been a favorite political battlefield. Labor and management have both had their victories. A 1938 proposal to regulate picketing and boycotting was badly beaten in its first appearance (1,067-1,476). However, when the issue appeared again in 1942 as a prohibition on picketing and secondary boycotting, the wartime measure carried (1,124-909). Labor's effort to obtain a declaration for a fair employment policy in 1946 was crushed by a better than two to one margin (675-1,682). On the other hand, in 1958 a management-sponsored right to work law which would have eliminated the union shop suffered a similar fate (2,079-3,070).

Labor Legislation

	Thousands	
	Yes	No
1938 Regulate picketing and boycotting. (I)	1,067	1,476
1942 Prohibit secondary boycotts and picketing. (R)	1,124	909
1946 Declare fair employment practice policy. (I)	675	1,682
1958 Eliminate union shop. (I)	2,079	3,070

In the California social order the human activity which called forth more direct legislation through the initiative and referendum than any other was the matter of consuming alcoholic beverages. A rather frank initiative

amendment calling for prohibition was crushed in 1914 by a substantial margin (355-524). Insurance against prohibition was offered to the voters by the protectors of the American right to imbibe by proposing first, an amendment to suspend the prohibition amendment if passed, and secondly, an amendment prohibiting any further prohibition elections for the next eight years. The first measure won (488-226), but the proposal to muzzle the California electorate was defeated (355-435). The prohibitionists tried again in 1916. Though defeated at the polls, they gained strength to improve substantially their previous showing (436-538). Another prohibitionist effort the same year to close saloons showed similar strength even while going down to defeat (461-505). In 1918 the prohibitionists returned to the fray and once again were overwhelmed by the drinking public, but as before, by an ever narrowing margin. A wine-and-beer-only measure was defeated (256-341) by a substantial vote while bone-dry prohibition was defeated by a scantier 31 thousand margin (275-306).

Once national prohibition was handed down from the federal government to the constituent states, the California electorate continued obdurate when a 1920 referendum proposal for the enforcement of prohibition was offered to the public. The measure was quashed (400-465). However, enforcement of the milder Volstead Act received voter approval two years later by an insubstantial margin (445-411). The thirsty consumer was stymied only a few years by the prohibitionist success. An initiative law for repeal was submitted in 1926 and made a strong showing in the process of defeat (502-565). In 1932 another initiative repeal measure swept the prohibitionists from political power through an overwhelming approval of man's right to consume alcoholic beverages (1,459-658). In the same election a state liquor control measure likewise received substantial voter approval (1,308-730).

At this point the prohibitionist strategy changed from a direct frontal assault to a back-door, local-victory, win-a-little-at-a-time approach. The year 1934 saw a successful effort to pass a measure regulating the sale of liquor (1,262-714), but a local option measure on the same ballot was beaten (497-1,362). Two years later an initiative amendment to establish an alcohol beverage commission was crushed (748-1,432) as was another measure by the supporters of local option (719-1,474).

More than a decade passed before the matter of alcohol again reached the public, this time in the form of an initiative amendment to extend the regulation responsibility regarding the dispensing of drinkable alcohols. In 1948 the measure lost decisively (1,122-2,521). In this same year local option took another drubbing (1,085-2,598). However, in 1954 an alcohol beverage control act received widespread approval (2,265-1,152), and

two years later it became possible to sell drinks in places other than hotels and restaurants (2,391-2,338). The close vote here reflects a strong aversion to conspicuous availability of alcoholic beverages in spite of continuing powerful California sentiment in favor of liquor consumption.

Prohibition

	Thousands	
	Yes	No
1914 Adopt prohibition. (I)	355	524
1914 Suspend prohibition if adopted. (I)	488	226
1914 Prohibit prohibition elections for 8 years. (I)	355	435
1916 Adopt prohibition. (I)	436	538
1916 Close saloons. (I)	461	505
1918 Wine-and-beer-only. (I)	256	341
1918 Adopt prohibition. (I)	275	306
1920 Enforce prohibition. (R)	400	465
1922 Enforce Volstead Act. (R)	445	411
1926 Repeal. (I)	502	565
1932 Repeal. (I)	1,429	658
1932 State liquor control. (I)	1,308	730
1934 Regulate sale of liquor. (I)	1,262	714
1934 Local option. (I)	497	1,362
1936 Create alcoholic beverage commission. (I)	748	1,432
1936 Local option. (I)	719	1,474
1948 Extend regulation responsibility. (I)	1,122	2,521
1948 Local option. (I)	1,085	2,598
1954 Alcohol Beverage Control Act. (R)	2,265	1,152
1956 Sell drinks in other than hotels and restaurants. (R)	2,391	2,338

Almost as curious a social phenomenon as the determined opposition to drinking alcohol is the persistent manifestation of piety of a sort in the form of continuous effort to control certain phases of the entertainment business through direct legislation. The initiators of such legislation were frequently the performers or gamblers themselves. Occasionally they were successful, but more frequently defeat at the hands of the voter was their unhappy lot. A 1912 measure to allow horse racing was defeated by a large margin (149-353). The protectors of public morality took the initiative in 1914 with two measures: one to prohibit prize fights; the other to require one day of rest in seven. The prize fight prohibition was successful (413-327) but the go-getters who wished to work all seven days of the week were vindicated by

public approval even at this early date (290-457). After ten years of quiet, a 1924 measure to permit boxing and wrestling won a narrow 20 thousand vote victory (518-498). This was followed in two years by an effort to obtain the licensing of horse racing. The measure was crushed (362-661). Encouraged by the 1924 boxing and wrestling victory, the prize fight people returned to the fray in 1928 in an attempt to repeal the 1914 prohibition. They were unsuccessful by a large vote (592-935). 1928 must have been a "no" year because measures advanced by the guardians of morality were likewise defeated. An effort to prohibit rodeos and bulldogging was repulsed (509-870). Two years later barbers received public vindication when an effort to close barber shops on Sunday failed almost five to one (214-1,047).

The racing and wagering people tried again in 1932 but with the usual negative results. The vote, however, was much closer than in previous years (904-956). More than a decade passed before the gamblers tried again. In 1946, with California's swollen population as its target, the greyhound racing people made their bid for public support of dog racing. They were rejected by a staggering margin (570-1,907). A 1950 effort to legalize gambling met with a similar stinging rebuff (789-2,675). In the 1958 election Sunday boxing was voted down by a substantial margin (1,874-2,374). The gamblers have not fared well in California through use of direct legislation.

Piety

	Thousands	
	Yes	No
1912 Allow horse racing. (I)	149	353
1914 Prohibit prize fights. (I)	413	327
1914 One day of rest in seven. (I)	290	457
1924 Permit boxing and wrestling. (I)	518	498
1926 Allow horse racing. (I)	362	661
1928 Repeal prize fight prohibition. (I)	592	935
1928 Prohibit rodeos, bulldogging. (I)	509	870
1928 Close barber shops on Sunday. (I)	214	1,047
1932 License racing and wagering. (I)	904	956
1946 License greyhound racing. (I)	570	1,907
1950 Legalize gambling. (I)	789	2,675
1958 Allow Sunday boxing. (I)	1,874	2,374

In the matter of relations with oriental peoples the story of direct legislation is one of change of heart. Gradually, in a period of less than four

decades, public opinion veered from an attitude of determined bigotry, prejudice, and hatred to a tolerant view which was willing to allow an opportunity to all, regardless of race. The actual legislative struggle was a negative one, an effort to undo an evil done at an earlier date. In 1920 the instrument of direct legislation was utilized as a weapon for strengthening an already arrogant and brutal alien land law (668-222). During the next three decades public opinion gradually changed, and, in 1952, a measure for removal of restrictions against the Chinese obtained overwhelming support (3,116-914). Then, after another two years resident non-citizens were permitted to own land (2,165-846). Repeal of the alien land law followed two years later although a substantial minority still registered their opposition with a negative vote (2,801-1,391). Apparently a long, bitter war had changed the hearts of many Americans.

Oriental Peoples

	Thousands	
	Yes	No
1920 Strengthen alien land law. (I)	668	222
1952 Remove restrictions on Chinese. (I)	3,116	914
1954 Resident non-citizens can own land. (I)	2,165	846
1956 Repeal alien land law. (R)	2,801	1,391

Another curious sociological flash in the political pan was the persistent though hopeless agitation by the antivivisectionists to have their particular sentiments written into law. Efforts to obtain an antivivisection act appeared on the ballot in the years 1920, 1922, and 1938.

Antivivisection

	Thousands	
	Yes	No
1920 (I)	272	527
1922 (I)	226	514
1938 (I)	721	1,581

Moving from the field of social conflict to that of fiscal policy, we find that a persistently conservative attitude is reflected in the position of the voter when matters are submitted directly for popular action. In 1914 an initiative constitutional amendment to abolish the poll tax found favor with the voter, though by no decisive majority (405-374). However, after this date no initiative or referendum measure to alter the California tax structure succeeded in earning popular approval. In 1918 efforts to limit tax increases in general, and to limit tax increases to 5 percent annually, were

defeated (167-227 and 127-259) respectively. A measure to provide an income tax and a sales tax for schools was soundly defeated in 1932 (552-1,144). An effort to repeal the personal income tax law was beaten in 1936 (737-1,174). Repeal of the state income tax received better support in 1942 but was nonetheless defeated by a wide margin (763-907). A 1950 proposal to remove the personal property tax hardly made a showing (645-2,701). A vengeful effort by labor to reduce the sales tax and raise the income tax for the wealthy in 1958 made a similarly poor showing (888-4,033).

Taxation

	Thousands	
	Yes	No
1914 Abolish poll tax. (I)	405	374
1918 Limit tax increases. (I)	167	227
1918 Limit tax increases to 5% annually. (R)	127	259
1932 Income tax and sales tax for schools. (I)	552	1,144
1936 Repeal income tax. (I)	737	1,174
1942 Repeal income tax. (I)	763	907
1950 Remove personal property tax. (I)	645	2,701
1958 Reduce sales tax, raise income tax. (I)	888	4,033

The single tax, a peculiar California tax phenomenon, is notable only for the persistence of its reappearance after defeat, and the widening margin of defeat as, year after year, its proponents returned to the public forum to receive another thrashing. The single tax appeared on the ballot five times before its proponents gave up the political ghost. The box score was as follows: 1916 (260-576), 1918 (118-360), 1920 (196-563), 1922 (124-515), 1938 (372-1,836).

Single Tax

	Thousands	
	Yes	No
1916 (I)	260	576
1918 (I)	118	360
1920 (I)	196	563
1922 (I)	124	515
1938 (I)	372	1,836

One of the most bitterly fought of all tax questions was the request for a tax exemption for private schools, non-public institutions of learning below collegiate level. For years tax relief had been unsuccessfully solicited. Fi-

nally, in 1952, the state legislature approved the exemption which would be of principal benefit to the Catholic schools.⁶ The election was bitterly fought amid claims and counterclaims which were based principally upon religious convictions. The issue was decided in favor of the private schools by an indecisive margin (2,441-2,363). The matter was refought in 1958 under guise of an initiative constitutional amendment which would reimpose the property tax. In this election the exemption won overwhelming public approval with a negative vote (1,686-3,446).

In 1952, the same year that the private schools were freed from their tax burden, two other groups received partial tax relief via the exemption method. Churches under construction (3,133-1,053) and college buildings under construction (3,059-1,055) were both relieved of taxes which until that time could be levied against them. In 1954 five other groups requested tax relief. Four received substantial approval of their requests; one, the commercial fishing vessel measure, was defeated (1,218-1,824). The pleas of the churches for their construction (2,405-869), disabled veterans for their property (2,967-339), colleges for their buildings under construction (2,189-875), and hospitals and religious organizations for their construction (2,255-820) were all heard with public favor. Church parking lots received a property exemption in 1956. In this election, however, the scrutiny was closer and voting tighter (2,539-2,056).

The last major field of political endeavor to be considered will be education. Obviously the subject could reasonably be classified under any of the general headings of politics, social trends, or fiscal policy. In particular, the

Exemptions

	Thousands	
	Yes	No
1952 Repeal property tax on private schools. (R)	2,441	2,363
1958 Reimpose property tax on private schools. (I)	1,686	3,446
1952 Tax relief for churches under construction. (R)	3,133	1,053
1952 Tax relief for college buildings under construction. (R)	3,059	1,055
1954 Tax relief for commercial fishing vessels. (R)	1,218	1,824
1954 Tax relief for churches under construction. (R)	2,405	869
1954 Tax relief for property of disabled veterans. (R)	2,967	339
1954 Tax relief for college buildings under construction. (R)	2,189	875
1954 Tax relief for construction of buildings for hospitals and religious organizations. (R)	2,255	820
1956 Tax relief for church parking lots. (R)	2,539	2,056

⁶ California was the only state in the Union which levied a property tax on private school property.

connection of the subject with fiscal matters is painfully evident. However, since a rather large number of initiative and referendum measures have made public education their specific subject, the measures will be considered as a group.

The specifically fiscal measures proposed made their debut in 1920. At this time state aid for public schools received widespread popular support (506-268). However, on this same ballot a mill tax for university support failed of approval by a scant 4 thousand votes (380-384). While tax measures to support the public schools have generally received strong support in California, a depression-year income tax and sales tax for schools failed (552-1,144) in 1932. In 1944, a war year, and again in 1946, a plea was made to the voter for expanded support of public education. On both occasions support was notably strong: 1944 (1,753-996); 1946, (1,771-610). On a series of bond issues for schools in 1952, 1954, 1956, and 1958, the annual margin of victory gradually increased to a peak in 1956. A radical drop in the victory margin is noticeable in 1958 though that margin is still substantial. Opposition to a state school bond issue for the first time passed the 1-million vote mark.

In educational matters not involving specifically fiscal matters, the public has not been so generous with its approval. In 1926 an amendment to permit bibles in public schools was crushed (439-571). This was followed by the failure of a petition in 1934 to establish an elective board of education (577-938). Regulation of tenure for teachers in public schools likewise received a crushing defeat in 1936 (438-1,259). As recently as 1958 an effort was made to write into law a provision for an appointive state superintendent. The measure failed by a wide margin.

Education

	Thousands	
	Yes	No
<i>Fiscal</i>		
1920 State aid for schools. (I)	506	268
1920 Mill tax for University support. (I)	380	384
1932 Income tax and sales tax for schools. (I)	552	1,144
1944 Increase elementary support. (I)	1,753	996
1946 Increase state school support. (I)	1,771	610
1952 Public school funds. (I)	2,996	1,582
1952 School bonds. (R)	3,165	965
1954 School bonds. (R)	2,758	686
1956 School bonds. (R)	3,950	847
1958 School bonds. (R)	3,356	1,168

	Thousands	
	Yes	No
<i>Non-fiscal</i>		
1926 Bibles in schools. (I)	439	571
1934 Elective state board of education. (I)	577	938
1936 Tenure for public school teachers. (I)	438	1,259
1958 Appointive state superintendent of schools. (R)	1,519	2,522

What conclusions of a general nature may be reached regarding the fifty lively years of operation of the initiative and referendum in California? First, it is obvious that the referendum is used much more than the initiative. From 1912 to 1949 the initiative was used 121 times, to change either the law or the state constitution. The referendum was invoked 329 times in the same period. From 1950 to 1958 the initiative was used sixteen times as against seventy-six times for the referendum. The grand total from 1912 to 1958 is initiative 137, referendum 405. This means that the people voted on referendum measures about three times as frequently as they voted on initiative measures.

The most obvious reason for this contrast is a financial one. The initiative is expensive. The side with the most money for petitions and advertising usually wins, so that only a group which possessed an extremely large budget would undertake such a campaign.

Politically, it would appear that organized groups in the state were early opposed to the initiative itself and to its use as a means of legislation. On two occasions within ten years after the adoption of this process, efforts were made to weaken its operation. In both instances failure was rather pronounced. The initiative is popular with the voters, especially when it is threatened.

In the past, areas with large populations seemed uninterested in exercising their population superiority as a means of gaining political advantage. However, it should be noted that three decades have passed since the issue of reapportionment was last considered. California's vote today is not in terms of hundreds of thousands, but in terms of millions. Perhaps the "cow counties" face in the near future another challenge from the "teeming millions."

Results on labor legislation have been mixed. Though not strong at first, enthusiasm grew for a prohibition of secondary boycotting and picketing. Otherwise the public dealt blows to both labor and management by refusing to commit itself to moves for either a fair employment practices policy or the destruction of the union shop.

In the area of social popular legislation, prohibition has had a checkered career which adhered generally to the national pattern. Opposition to prohi-

bition prior to 1919 appeared general though the prohibitionists showed considerable strength. Outright enforcement was defeated, and the compromise Volstead Act earned the support of only a scant majority. Repeal won a resounding victory in 1932, and since that time consumers of alcohol in California have been repeatedly assured of their continuing bright prospects when efforts were made to introduce local option or local licensing.

California piety as reflected in direct legislation indicates a sense of moral indignation with certain manifestations of the entertainment business. However, the entertainers had their days, especially the boxers. Interference with a man's right to make a living on Sunday is not to be denied even to barbers. Out and out gambling is not to be tolerated in the state, but otherwise the tendency appears to be one of gradually degenerating firmness.

The vote on the alien land law proposals clearly reflects a shift in spirit from outright bigotry and hatred to an attitude more in keeping with a respect for individual rights and human dignity. That the American voting public is not hopelessly blinded by emotional appeal is indicated in the overwhelming defeats regularly handed to the antivivisectionists.

In matters of taxation there is quite evident a strong opposition to limiting the power of the legislature and the executive to determine state fiscal policy. The utopian single tax was even less popular than the antivivisection argument. On the other hand, a wide variety of tax exemptions have been granted since 1952. Perhaps the most bitterly fought issue was the exemption granted to private schools. If a large vote in 1958 means anything, it certainly removes doubt regarding public support for such an exemption, a doubt which would certainly be justified by the closeness of the 1952 vote.

Financial aid to education started out with a rather checkered career. However, in more recent times the financial support requested was always granted at the state level when the issue went to the people. From the 1958 vote it would appear that the people of California would prefer to continue to keep some semblance of control over education officials in spite of the vague contention by the educationists that education should be separated from politics and handled by experts. Bibles and tenure regulation appear not to have been popular twenty to thirty years ago.

It is difficult to say whether great good has been achieved by direct legislation which would not be possible or even likely through legislators representing the people. The survey of the total operation of direct legislation in California shows that the legislators themselves are the most frequent users. The referendum is a built-in buck passing device. In view of the growing importance of the signature solicitor, it is also quite possible that direct legislation has provided a means of widespread political blackmail, especially in view of negotiations connected with propositions sixteen and seventeen in

the 1958 election. The organized solicitor, with his personnel for signature collecting ready to move in on the city street corners, is certainly in a position to suggest to the unwilling potential customer how unavailable he will be to his potential customer's rival if a contract for solicitation has already been signed. The topic for solicitation of signatures is of no importance. The point is that the big-time solicitor is in a splendid position to play powerful rival economic, political, and religious groups off against one another at no inconsiderable profit to himself. It is conceivable that direct legislation with its sensitivity to the wishes of special interests can be as injurious to statesmanship as the bribe to the corrupt legislator.

On the other hand, if democratic government is based on the consent of the governed, what simpler device than to have the people vote on a matter, regardless of how complex the details. The rights of the minority can be pleaded here, and cynical doubt may be expressed about the wisdom of the people; yet the necessity of explaining issues to a large audience, in an initiative or referendum election would seem to be an improvement over the lobby politics which are practiced in any state capitol.

LABOR HISTORY RESEARCH

REPORTS REQUESTED

Michigan State University's Labor and Industrial Relations Center has announced its intention to publish a listing of research in Labor History, in the journal of that name. Persons having information that should be included are asked to supply it to Albert A. Blum, at the Center.

Book Reviews

Edited by

H. MALCOLM MACDONALD

LEE BENSON: *Turner and Beard: American Historical Writing Reconsidered*. Glencoe, Illinois, Free Press, 1960. 241 pages. \$5.00.

A spate of new publications this year in American historiography seems to mark an increasing and gratifying concern of historians with their own craft, but the line dividing historiographical concern and the historian's narcissism is a fine one. Unfortunately, the work at hand fails to achieve its legitimate purpose. It is less a definitive analysis of the two main figures on the American historiographical tradition, than it is a collection of speculative essays seeking historiographical insights through use of the methodology of social science. Judged on its own merits, it is marred by a somewhat inflated and egotistical style, an unsatisfactory and unconvincing method of proof, and gratuitous reflections upon the sagacity of the two principal subjects in an effort to explain them.

Professor Benson's primary contribution to the lore-of-the-frontier thesis is the somewhat circumstantial case that its inspiration was supplied by a relatively obscure, nineteenth-century Italian economist, Achille Loria. The supposed inspiration was, in essence, the theory of free land, that no capitalistic system can develop while there exists free land, and that all profits ultimately

arise from the exhaustion of free land. The theory is self-evident, if open to question, and is surely not indigenous to Italian economics. Nevertheless, an extensive effort is made to prove that Loria's theory *probably* influenced Turner's thought. If Turner were so indebted to Loria, it seems indeed strange that he never admitted it. On the basis of the evidence adduced, a Scotch verdict must be rendered.

Beard stands under more sweeping judgment, for Benson convicts him of being an *economic determinist* upon the basis of evidence supporting only an *economic interpretation* of history. Beard's mental faculties made this unwarranted transfer, in Benson's opinion, because 1) Beard was absorbed in the contemporary Progressive, economic context; 2) economic determinism was the prevailing climate of opinion; 3) Beard was psychologically prepared to accept *Federalist* No. 10 as "inner light"; 4) he desired a more realistic interpretation of the Constitution than had been previously suggested; and 5) he sought a natively American, realistic philosophy of history to escape the rigors of Marxism and the unpatriotic obligation to such foreign philosophers as Loria. Proof of the hand of the Italian economist in Beard's work is the discovery that the French edition of his work in the library of Columbia University was

checked out on "7 Dec. 04" to one "CAB."

After the philosophical foundation of Beard's thought has been so soundly shaken, his method of proof is attacked as fallacious; he is convicted by assertion of equating membership in economic classes with direct political action on the part of the Framers. The critics of Beard come under the same kind of judgment. Robert E. Brown is charged with freighting Beard's interpretation with moralistic value judgments alien to Beard's thought. On the other hand, Forrest McDonald is attacked on the dual violations of missing Beard's larger point in slavishly following Beard's fallacious method of proof, and in misquoting Beard in several particulars. The latter charge is considerably blunted by Benson's own strained insertion in quotations of the oblique whine of italics to make his points.

Benson does not leave his reader in historiographical shambles, for he attempts to salvage as much of Beard as is consistent with the modern, social scientific, multivariate laws of historical analysis. In Benson's opinion, Beard and his critics were wrong in that they asked the wrong questions, adopted the wrong method of proof, and came to the wrong conclusions. A restating and a clarification of Beard's main thesis, it is suggested, will yield a more satisfactory and workable interpretation of the Constitution—a social one—in which the theme is Agrarianism versus Commercialism. Professor Benson's hypothesis may have some merit, but it should be advanced for what it is—a new form of historical interpretation of the Constitution. It makes for less confusion to permit Turner, Beard, and

Hamlet to speak for themselves, as their authors originally wrote.

O. Lawrence Burnette, Jr.
The State Historical Society
of Wisconsin

PURNELL HANDY BENSON: *Religion in Contemporary Culture*. New York, Harper & Brothers, 1960. 811 pages. \$8.00.

As the subtitle states this work is "a study of religion through social science." Benson assembles relevant answers, insights, and research contributions which have been accumulated in the scientific study of religion during recent years into a textbook which is designed as a source of concepts and principles for students in college religion courses.

Initially and at some length, Benson attempts to establish the social scientist's right to analyze religion as he would any other factor in society. He approaches his subject from the viewpoint of Robertson Smith and Durkheim, that social experience is the ground of all religion.

The author endeavors to make a rather overly-ambitious study of religion in all its forms and ramifications as found on the American scene. He interprets religious motives and ideas in ways harmonious with empirical data. He discusses the theories of many leading writers regarding the nature, function, and cause of religion.

In discussing religion and American culture the author points out the paradox which has been cited by Will Herberg and others: the increase in church membership and the improvement in the status of religion generally, as con-

trasted with the decrease of religious influence upon the lives and decisions of Americans. He notes that "the long-run trend in America has apparently been away from religion, as far as intensity of religious observance is concerned."

In his treatment of religion and the social order Benson makes some rather questionable statements regarding Communism. He asserts that "our thinking concerning Communists in America shifts into a more realistic place of reference if they are thought of as a kind of religious denomination, not readily distinguished from other Americans at work and play unless they choose to share their ideas." Certainly there is similarity between the altruistic motivation engendered by Communism and the apostolic zeal arising from religious conviction, but it seems to be stretching the definition of religion to call Communism a religious denomination in the normally accepted sense.

Again the author sees Communism as possibly the first signs of a rebirth of true religious sentiment on the part of a disillusioned human race. "The rise of Communism around the world is consequently symptomatic of preliminary stages of spiritual re-birth." To see a spiritual rebirth in an atheistic philosophy which denies God and the spirituality of the human soul is hardly an objective scientific observation.

The opinions expressed about Communism are indicative of a major weakness of this book. The author stakes a claim to scientific objectivity, which means he should not draw conclusions beyond the empirical data he adduces, yet he interjects opinion, subjective impressions, and personal evaluation along with empirical analysis. Also he seems

to lack any sympathetic insight into the supernatural approach to religion and this is a lack which would make an understanding of many American religious groups nearly impossible. He seems to dismiss the supernatural and traditional as false and obsolescent. Religion, he states, will never achieve its purpose until it "is freed from the heavy baggage of tradition which held it down." Such a statement is hardly compatible with the objective approach which the author took so much effort to establish in his introduction.

David O'Brien
The University of Texas

GEORGE M. FOSTER: *Culture and Conquest: America's Spanish Heritage*. Chicago, Quadrangle Books, Inc., 1960. Viking Fund Publications in Anthropology, No. 27. 272 pages. \$6.00.

The origin of many Spanish American cultural traits has long been attributed to Spain, but only in a general way. Here, however, is the report of an ethnographic study in Spain by a Latin Americanist which pinpoints the exact source of a number of customs and techniques. In addition, some New World practices and taboos, often ascribed to the Moors, the American Indians, or the Catholic Church, are shown to be indigenous to Spain; others are Pan-European.

There are really two parts to this useful study. The first two chapters as well as the final one deal with the theoretical aspects of acculturation and the processes by which elements of a donor culture are selected and assimilated by a

recipient group. Professor Foster is to be commended for his original ideas which help explain the transmittal of specific culture items in relation to the available statistical data. The central fourteen chapters are most fascinating because of the vivid descriptions of folk customs and beliefs in the Iberian Peninsula. The author's field notes as well as hundreds of observations by other writers document the folklore and practices cited.

A few typographical errors, such as printing "inhabit" for "inhibit" (p. 113) or "by" for "my" (p. vii), detract little from the scholarly quality of this volume. Seventeen photographs and several drawings accompany the text; one wishes more could have been included.

While the main theme of this book is set in Spain, each central chapter has an introduction and comparative conclusion relating the customs of Spanish America to those of Spain. There are also numerous overtones and notes of special interest to Latin Americanists. In fact, this is a provocative work, and all those seriously interested in Latin American culture should read it.

Robert Ryal Miller
New Mexico State University

FRANKLIN PATTERSON (ed.): *The Adolescent Citizen*. Glencoe, Illinois, Free Press, 1960. 387 pages. \$6.00.

The improvement of civic education, particularly during the period of adolescence, has through the years received the attention of many scholars from a wide range of disciplines. No neglect, either, can be charged in the attempts

of the secondary schools to improve instruction in citizenship. Withal, there has been an uneasy feeling among both behavioral scientists and school people that the proper induction of our youth into a free society is an unfinished business which could probably be improved through closer coordination of the efforts of the many different interested disciplines.

The present volume is a stimulating report of a major project whose purpose was "to review and reassess citizenship education practices in American high schools, to examine available relevant social research that might throw light on the problem of citizenship education for youth in a democratically oriented society, and to project new action and research possibilities vis-a-vis citizenship and adolescence that may prove fruitful to pursue." Following a careful plan, The Tufts Civic Education Center invited ten leaders from education and from social research to undertake individual study assignments related to citizenship education and to subject their findings to review and reaction at a specially called conference at Andover, Massachusetts. Nine comprehensive working papers covering the backgrounds of practice and research were prepared for distribution to conference participants, and four more which were frankly speculative constituted the major presentations at the conference. These thirteen papers, plus the conference report, have been brought together as the fourteen chapters of *The Adolescent Citizen*.

The impossibility of summarizing in a few statements papers of such a wide scope is frankly recognized; but the social scientist can scarcely avoid three

recurring questions as he reads this report: Is it possible for strong emphases on individual development to exist in harmony with the "universal sharing of the rights and responsibilities of free citizenship"? Can civic education be freed from being practically equated to conformity to pressures of the marketplace? And can civic education be successful unless some method is discovered whereby the apparent primacy of behavioral reaction over ideological reaction can be overcome? Answers to these questions may well lie in the province of the several specific research proposals which are made.

The Tufts Center, on the basis of the Conference Report in chapter fourteen, can indeed claim an initial step in the collaboration of school people and behavioral scientists, but it is apparent that much effort on the part of The Center or some other group will be necessary if a continuing operation is to be realized.

Glenn E. Barnett
The University of Texas

JAMES Q. WILSON: *Negro Politics: The Search for Leadership*. Glencoe, Illinois, Free Press, 1960. 342 pages. \$5.00.

Myrdal in his *An American Dilemma* concluded that "the Negro problem" was, in fact, a "white man's problem." Racial justice in the United States could be achieved only through drastic change in white racial attitudes and behavior. Significant changes have occurred in both since Myrdal wrote his impressive tome. World War II, a long period of relative prosperity, industrialization and

urbanization in the South, Negro migration to the Northern cities, the demise of the White primary, *Brown v. Board of Education*, the rise of a Negro middle class—all these, to mention only a few changes since 1942, have had their impact on the pattern of American race relations. But the pattern's basic outlines remain largely unchanged. Professor Wilson in his *Negro Politics: The Search for Leadership* helps explain why the "American dilemma" is still with us.

Wilson's basic thesis is that, while there is a "white man's problem" of racial accommodation, there is a companion "Negro problem"—a lack of effective leadership. Collective efforts by Negroes "are not simply blocked by hostile forces" from the white community. "In part, Negro civic action is hampered by constraints inside the Negro Community." It is these constraints, and how they tend to blunt the effectiveness of Negro leadership, with which his book is primarily concerned.

The heart of the book is Wilson's analysis of the role of Negro leadership in the creation and resolution of a limited number of community issues in Chicago. Happily, his conclusions are not culture bound to America's second city or to the specific issues studied. For one thing, the author makes explicit and provocative comparisons with Negro politics in New York, Detroit and Los Angeles. And Wilson is not interested in description for its own sake, but in general propositions about Negro political behavior. The result is the best book on Negro politics in the North yet written.

Negro Politics is divided into three parts. The first concerns the structure,

style, and effectiveness of Negro political organization. Among many other things, he finds that the "maintenance needs" of the Negro political machine in Chicago result in a reluctance among Negro politicians to push for racial goals. Part two covers much of the same ground for the leaders of Negro voluntary associations. He finds that these civic leaders, and particularly their hired staffs, are taking over race relations leadership from the politicians. Race relations are becoming highly professionalized and segmentalized. Part three, "The Character of Negro Public Life," contains a fine discussion of the conflict between immediate, tangible and limited "welfare" ends and symbolic, long-term, all inclusive "status" ends, and suggests these conflicts will become more common and politically debilitating for Negroes in the future. This is followed by an extraordinarily precise explication of the "moderate" versus the "militant" political styles and their consequences. Finally, a typology of Negro leaders is proposed.

Space does not permit more than this sketchy sampling of the contents and conclusions of this book. Fruitful conceptualization, bold and revealing generalizations appear on almost every page. No social scientist interested in race relations or the politics of our increasingly bi-racial metropolitan areas can afford to miss them.

Donald R. Matthews
University of North Carolina

PETER H. ODEGARD (ed.): *Religion and Politics*. New York, Oceana Publications, Inc., 1960. 216 pages, \$5.00.

This study of the relation of religion

to politics is the first publication by the Eagleton Institute of Politics at Rutgers University. The Institute could not have selected a more appropriate or significant study for its initial contribution in light of the current presidential election. The book is a compilation of selected readings in the field of religion and politics as they have impinged upon each other; the contributors include Paul Blanchard, Hiram Wesley Evans, Reinhold Niebuhr, Elmo Roper, Alfred E. Smith, and Peter H. Odegard.

The editor's thesis is two-pronged: that bigotry has no proper place in American politics, and that a Catholic can be nominated and elected to the presidency. He establishes the premise for these convictions in a brief and comprehensive study of the foundations of religious freedom in America with excerpts from the writings of Thomas Jefferson and James Madison. A thoughtful glance toward religious intolerance is included with accounts of the Native American and Know-Nothing parties, and the Ku Klux Klan and Christian National Party. Of interest is the heated controversy produced by the 1928 presidential campaign. Letters exchanged between Alfred E. Smith, and Charles C. Marshall, a Protestant lawyer, are noteworthy for their candor and sincere attempts to deal with the issue on a high level.

In focusing on Catholicism as a current issue, Dr. Odegard's essay "Catholicism and Elections in the United States" is significant in exploding the theory of bloc voting by Catholics. Elmo Roper points out that in 1952, Protestants were not repelled by Kennedy's faith: his largest margin over Stevenson in the Massachusetts presidential primary was received in the county with the smallest percentage of Catholics.

The question in the 1960 election, according to the editor, was whether there was an "unwritten" religious qualification for president. He contends that the fact that no Catholic has been elected proves nothing. At all levels of government, including two chief justices of the Supreme Court, Taney and White, religious affiliation apparently has been of little moment.

The book is a most timely and provocative study. It should be read by persons of all faiths who are troubled by the injection of religion into the recent campaign. Excellent bibliographical materials are suggested for further reading.

Robert E. Ledbetter
The University of Texas

STEPHEN HORN: *The Cabinet and Congress*. New York, Columbia University Press, 1960. 310 pages. \$6.00.

No college student who has read all of his American government textbook has escaped the inevitable discussion of the problem of improving executive-congressional relations. Most college government texts review and evaluate the recurring proposals that cabinet members be seated in Congress or that they be called upon the floor of Congress for questioning. Dr. Horn appears to have exhausted the subject with his historical and analytical study of the proposals for such reform from the First through the Eighty-Fifth Congresses.

Government documents, newspapers, unpublished papers, letters, books, and a congressional questionnaire were drawn upon for information about supporters and opponents of the proposals, their motivations and their arguments for and against reform. In dis-

cussing the proposals the author mentions nearly three hundred public figures, many of them men whom only highly specialized students of American history would recognize. Dr. Horn has compiled an impressive amount of material, his documentation appears to be adequate, and his conclusions usually accurate. His statement that Jefferson exerted little control over Congress conflicts with the conclusions of such eminent scholars as Professors Corwin, Rossiter, and Binkley.

But for a book with such a promising title, *The Cabinet and Congress* is disappointing. Too often the author bogs down in confusing descriptions of legislative maneuverings involving not very well-known congressmen espousing relatively minor issues in a relatively disinterested Congress. To be sure, some prominent public figures, including Presidents Theodore Roosevelt, Wilson, Harding and Taft, have favored the seating of cabinet members in Congress or the establishment of a question period. A few important Congressional leaders have embraced the cause, important periodicals have become interested at various times, and at one time (1943) the Gallup poll showed that 72 percent of the public questioned favored adoption of the "Kefauver question period." Between 1864 and 1953 a total of 47 bills proposing some such reform were introduced in Congress. However, if there has been a consistent pattern of support for the proposals, it has come from younger congressmen seeking to break through the established lines of influence and control in Congress. At no time did the proposals become significant public issues. One is led to wonder if so narrow a subject deserves so extensive a treatment.

Readers most certainly will not conclude that Dr. Horn's study is without merit. His perseverance in compiling materials and conducting the questionnaire in the 85th Congress should be complimented. He clearly demonstrates a comprehensive knowledge of the "ins and outs" of congressional politics. Much of the last four or five chapters is solid stuff, particularly the description in Chapter Ten of the process by which the Bureau of the Budget made its decision to clear as consistent with administrative policy the Kefauver proposal. But this reviewer is led to suggest that the subject-matter of this book would have been more effective if presented as an article in one of the professional journals, or better yet, as part of a more general work on the subject described by its title, *The Cabinet and Congress*.

John F. Haltom
Texas Christian University

FRANCO VENTURI: *Roots of Revolution*. New York, Alfred A. Knopf, Inc., 1960. 850 pages. \$12.75.

JOHN N. HAZARD: *Settling Disputes in Soviet Society*. New York, Columbia University Press, 1960. 534 pages. \$9.50.

Here are two new additions to the literature intended to make more understandable the mystery wrapped in an enigma which is Russia. The first is a translation from the Italian of historian Venturi's monumental work on the rise and fall of the Russian Populist movement. The short period of less than forty years (1848-1881) witnessed the audacious attempt of a small group of

Russian intellectuals to overthrow the autocracy by revolutionary means and to transform Russia into a socialist co-operative commonwealth. Drawing on the concepts of the French Utopian Socialists, and repudiating the economic determination of Marx, the Popularists believed that they could avoid the development of capitalistic industrialism in Russia and thus prevent the social stresses which had accompanied the industrial revolution in the West. Freedom and equality, both economic and political, expressed in a non-coercive, non-political, decentralized co-operative commonwealth was their goal; that their movement failed does not detract from the nobility of their ideal.

In treating his subject Professor Venturi demonstrates the subtle touch of one who is a master of his material. Scrupulously objective, he passes no moral judgments on the characters and events with which he peoples his pages. Through his pen his actors live again subject to the limitations of their time and to the frailties which beset mankind. They are not a homogeneous lot, and one of the author's contributions is to sort them out, contrast their differences, and reveal the complexity and divergency of views which characterized the movement of which they were a part. Some of his most interesting passages deal with the little men, the minor figures, who though overshadowed in importance by the giants like Herzen, Bakunin and Chernyshevsky, still played their part and gave tone and individuality to the movement.

What lessons may be learned from the study of a movement that failed? First the realization that many of the ideas and tactics developed by the Popu-

larists, especially by their left wing, subsequently influenced the actions of Lenin when he seized power in 1917. In short Lenin's revolution cannot be understood without a knowledge of its Populist background. This compels the realization that the Russian revolution developed out of a respectable historical past which began with the infiltration of French Utopian ideas early in the nineteenth century. After all Populism was, perhaps, not a complete failure since its thesis of the possibility of a successful social revolution without the prestige of capitalism, so vehemently denied by the orthodox Marxists, is in essence what was accomplished by that most orthodox of Communists, Lenin. The real failure comes, of course, in the end product which, unfortunately for the peace of the world, has proved to be not the co-operative commonwealth but rather a restored centralized tyranny. A valuable introduction by Isaiah Berlin enhances the value of the book and serves to place it in its historic perspective.

Professor Hazard, who is among our most prolific writers on the USSR, offers a study of the formative years of Soviet legal development (1917-1925). This period witnessed the repudiation of the Tsarist judicial organization and its replacement with "people's courts," unfettered by formalized procedure or a professional judiciary and bar. This judicial simplification was not destined to survive either the stress and strain of the Civil War or the period of NEP and gradually gave way to a formalized structure and a return of a professional legal class.

The conclusion reached is that the early revolutionary attempt to simplify

and deprofessionalize the administration of justice proved utopian. As soon as conditions permitted, the professional jurists assumed control and strove for the reintroduction of procedural and substantive formalism. They early opposed, and finally aided in the abolition of, the extraordinary revolutionary tribunals of the Cheka, only to see them restored, ironically enough, in a more effective form by Stalin. They supported the restoration of a hierarchy of courts centralized under the People's Commissariat of Justice which took place in the mid-twenties, and were instrumental in the drafting of appropriate codes of Criminal and Civil procedure. The traditions of Continental Civil Law were utilized in moulding the new system with the results that the procedures developed, while they would seem strange to a Common Law lawyer, would not dismay a German or French jurist. Behind all this was the irresistible drive for legality, which is only one way of expressing the need for stability and order in the settlement of disputes. The complexities of modern society, as Professor Hazard notes, evidently necessitate the formalization of the judicial process if disputes are to be settled without social unrest. Any hope for the establishment of judicial simplicity has proved as illusory as Lenin's dictum that government is merely a matter of accounting and capable of being operated by any individual of average intelligence.

Professor Hazard has demonstrated in this book a careful study of Soviet sources, strengthened by some four years of residence in the Soviet Union during the mid-1930's. The depth of his analysis forestalls the criticism ad-

vanced in the March, 1961 issue of the *Political Quarterly*, where, critical of another of Hazard's books, the reviewer reproaches him with failure to mine the Soviet material. As a case study of judicial institutions the present book is both sound and informative. It is hoped that either the author or some other scholar of equal stature will now carry on the analysis from 1925 to the present.

H. Malcolm Macdonald
The University of Texas

JOSEPH T. KLAPPER: *The Effects of Mass Communication*. Glencoe, Illinois, Free Press, 1960. 302 pages. \$5.00.

In this, the third volume in the series on *Foundations of Communications Research* (Paul Lazarsfeld and Bernard Berelson, eds.), Dr. Klapper sets for himself a formidable task. His purpose is to bring order out of the chaotic disarray in which the field of communications research finds itself today. What we have here, in short, is a kind of summing up and evaluation of the research that has gone before. In order to reduce his task of collating and integrating this material to more manageable proportions, Klapper has wisely decided to exclude from consideration certain peripheral, though no less significant, areas of communications research. Among the excluded areas is the research which has been done on the use of mass communications media in formal pedagogy; their use in psychological warfare; and the effects of these media on audiences in countries outside the United States. Although the scope

of the book is thus limited, what remains is still a large corpus of research, as evidenced by the more than 270 items included in the bibliography and frequently cited in the text. Klapper's signal contribution is his bringing together in one place the often seemingly contradictory findings of these far flung researches so that they can be viewed and evaluated as a whole.

Although Klapper's focus is primarily on the work of others, he makes some valuable substantive contributions of his own. He urges, for example, as he has done elsewhere, that those engaged in communications research abandon what he refers to as the "hypodermic" approach in favor of the "phenomenistic" orientation. While the first makes mass communication a single, independent variable and looks for the specific effects it has on various audiences and under differing conditions, the "phenomenistic" approach rejects the assumption that mass communication is the single "cause" of phenomena and instead views it as one among many influences at work in a total situation. Adopting the latter stance, the researcher begins with a set of conditions of changes and then attempts to locate the variables, including mass communication, that explain these conditions or changes. Generally he will find that the mass communication under consideration has been a necessary but not a sufficient cause. Thus attention is focused on variables which mediate the effects of the mass communication and which must be given their due weight if any satisfactory explanation is to be found for the audience effects.

As Klapper admits, the "phenomenistic" orientation poses certain dan-

gers. The researcher may, for example, become so preoccupied with the factors with which mass communication is in interplay that he forgets his original purpose of discovering the role played by mass communication itself. Or, he may forget that mass communication is often a major or necessary cause and even a sufficient cause of effects. While recognizing these dangers, Klapper nevertheless believes they are outweighed by the advantages to be gained.

Perhaps more significant is Klapper's development of five generalizations about the effects of mass communication. These serve as the organizational framework for the book. He offers them tentatively, one is tempted to say hesitantly, but they seem worth stating here:

1. Mass communication *ordinarily* does not serve as a necessary and sufficient cause of audience effects, but rather functions among and through a nexus of mediating factors and influences.
2. These mediating factors are such that they typically render mass communication a contributory agent, but not the sole cause, in a process of reinforcing the existing conditions . . .
3. On such occasions as mass communication does function in the service of change, one of two conditions is likely to exist. Either: a. the mediating factors will be found to be inoperative; or b. the mediating factors . . . will be found to be themselves impelling toward change.
4. There are certain residual situations in which mass communication seems to produce direct effects . . .
5. The efficacy of mass communication, either as a contributing agent or as an agent of direct effect, is affected by various aspects of the media and of the communications situation . . .

Illustrative of what Klapper has in

mind when he speaks of "mediating factors" are audience predispositions and the derivative processes of selective exposure, selective perception, and selective retention.

In analyzing earlier studies in the light of these generalizations, Klapper suggests many lines of research which need to be opened up and many replications which need to be made. Thus this book is an invaluable addition to the library of anyone professionally interested in the social and psychological effects of mass communication, and what social scientist is not? This reviewer, however, is somewhat skeptical about its value as an intelligent citizen's guide to the solution of practical social problems, as the publishers imply it is in their bookjacket blurb. The citizen, looking for answers, is apt to toss the book impatiently aside when he learns that what knowledge we have is shaky and that "solutions" must wait for further intelligence from the frontiers of communications research.

James R. Jensen
University of Houston

JOHN GULICK: *Cherokees at the Crossroads*. Chapel Hill, Institute for Research in Social Science, University of North Carolina, 1960. 202 pages. \$2.00.

This monograph is a byproduct of the endeavors of eleven persons at various stages in their scholarly careers. The field work was done at the Cherokee Reservation in western North Carolina between 1956 and 1958 in connection with research training activities at North Carolina. Gulick served as direc-

tor of the project, supervisor of field work, collator and interpreter of the working papers as well as researcher in his own right. In addition to this study several published papers and a number of unpublished reports were produced by the project.

The "Cross Roads" exist both in space and time, both in pressures upon the Cherokees and in the way the Cherokees face alternative solutions. As the reader might guess the research is "problem oriented." With some diffidence the author offers an uneasy note on the applicability of the findings to policy making and implementation. It is to his credit that this note is thematic rather than programmatic, that it suggests policy based on internal growth rather than imposed by external agencies.

Working with a colleague's, much less a student's, working papers is a difficult scholarly task. One has responsibility but, without duplicating the job, not complete control. Inevitably nuances are lost, sources are neglected, and references are detached from ideas. However, even if we expect such discrepancies and allow for them, it is still incredible that Olbrecht's *Swimmer Manuscript*, a major published source, was unmentioned.

The bulk of the study consists of a series of brief chapters covering a wide range of fact and interpretation about many aspects of the study, prosaic and otherwise. These are given in capsule and sometimes frustrating form. For instance, because Cherokees do not do too well on verbal intelligence tests, the Porteus Maze Test was administered to a sample (size unspecified) of "conservatives." Their performance is re-

ported to compare "favorably" with the general American population, and that is all. It is said that 74 per cent of Paint-town households are Baptists and that "we have no reason to believe that these figures are not representative of the reservation." This reviewer's knowledge of the reservation is more than twenty years old, but I venture we have no reason to believe that the figures are representative. Recondite explanations seem to be preferred to equally plausible simple ones. For instance, the frequency of gastro-intestinal complaints is suspected to be psychosomatic: Anyone who has eaten Cherokee food for any length of time can imagine an alternative explanation.

This is not to say that the monograph is irresponsible or unreliable. On the contrary, it is a welcome addition to a small store of information. One wishes that it were a fuller report and that it were issued in a better costume than its unpleasant, side-stapled format.

Leonard Broom
The University of Texas

E. GARTLY JACO: *The Social Epidemiology of Mental Disorders*. New York, Russell Sage Foundation, 1960. 228 pages. \$3.50.

For those who anticipated an opus in the Faris-Dunham tradition, Jaco's first major effort at an original contribution will be disappointing. This is not due to lack of scope, for few sociologists have marshalled anything near the amount or variety of data presented. The author showed commendable restraint in claiming only a reasonably good estimate of psychosis. Moderation

was less evident when, in discussing the problem of estimating the probability of onset of mental illness, he says flatly, "Only incidence rates can fulfil this function." After which the reader is given good reasons for being skeptical of incidence rates. In a smallish book which was seven years in preparation, such lapses might have been avoided.

This monograph concerns a study of all newly diagnosed psychoses in private practice and in private and public hospitals of the state of Texas during 1951-1952. The 11,298 identified cases were reported in detail by age, sex, diagnostic categories, availability of treatment, and numerous other variables. The author's painstaking desire for completeness is evidenced in exceptionally extensive tables, cross-classifications and population maps. Ten chapters, two appendices, and a bibliography of well over 200 titles are nicely organized and presented. Specialists in ecology and demography will find the book interesting and unusually descriptive. The four parts of the book are briefly introduced and succinctly summarized.

Alleged null hypotheses were stated positively and hence are untestable. The phrase "random or the same for all individuals" in one so-called hypothesis leads this reviewer to comment, "Make up your mind—which is it?" The query may be pointless because no terms were stated for rejecting hypotheses. A vague reference to Chi-square is noncontributory. Oblique references on pages 80, 120, 139, suggest that a probability of 0.10 for rbo calculated from pairs of rates constituted a test. If so, the statistical argument is obscure and tenuous.

Tedious adjusting of hundreds of

rates is of questionable value despite the claim that this makes up for uncertainty about internal migration. A small additional effort to obtain records from penal and tuberculosis facilities, where psychosis incidence is excessive, is clearly indicated. A straightforward test such as the Chi deviate would have improved clarity. This mysterious oversight may explain the occasional circumlocutory adumbrations.

Not a seriously deficient book, but hardly a milestone.

Norman G. Hawkins
Pennsylvania State University

JANICE E. GREIDER AND WILLIAM T. BEADLES, *Law and the Life Insurance Contract*. Homewood, Illinois, Richard D. Irwin, Inc., 1960. 472 pages. \$6.50.

This book is one of a series of books on insurance published by the Irwin Company. Since it was written primarily for non-lawyers engaged in the life insurance business, its first section is devoted to a general survey of the legal system and a discussion of broad rules contracts and agency. The body of the text is then given to a comprehensive analysis of the legal concepts involved in the formation, validity, construction, and operation of life insurance contracts. As an appendix there is added a collection of typical legal forms used in the life insurance business.

The publication of this volume is recognition of the fact that the layman should be well informed on the legal aspects of the enterprise in which he is engaged. In the life insurance business the commodity which is marketed is a

contract that creates a complex relationship of rights and duties in the company and the insured. The nature and extent of these jurial relations are determined by statutes and judicial decisions which are sufficiently esoteric to resist the layman's comprehension. It is to the credit of the authors that they have been able to present the subject in lucid and non-technical language and to reduce it to simple and understandable propositions.

At the same time, the treatment of the material has been of such depth and thoroughness as to make it valuable to the lawyer, especially to one who wishes to explore the field for general understanding. He will find that the law of contracts applied to life insurance is full of surprising variations, many of which reflect the determination of the courts to fulfill the expectations of the insured against the limited promise of the policy. The authors have included excerpts from a number of leading cases which provide an interesting study in the processes by which legal concepts evolve out of a conflict of forces.

People interested in life insurance will find this book a worth-while contribution to the literature touching on the industry.

Eugene W. Nelson
The University of Texas

RUTH M. HOEFLIN: *Essentials of Family Living*. New York, John Wiley & Sons, Inc., 1960. 275 pages. \$5.75.

Designed as a text for an introductory college course in Family Living, *Essen-*

tials of Family Living includes materials which the author feels will help students adjust to the problems they face in college as well as in life after college. The book opens with an explanation of the need for family life education today and the changing roles within the family. Several succeeding chapters discuss in very simple language some of the fundamental concepts of social psychology with regard to emotional maturity, the basic needs of individuals, and the development of a healthy personality. Three chapters are concerned with the family cycle, tracing the development of the child at different age levels, and the relationships of children and teen-agers with their parents. Problems of college students in respect to careers, vocational roles, and dating occupy the next portion of the book and have been included because the author has found from students in college classes that these appear to be problems of immediate concern. Returning more closely to its topic of the family, the book closes with a description of various adjustments required in marriage, the conflicts which may arise within the family, and the various functions of the family in modern society.

The book is written in simple non-technical language for a student who has no background in sociology or psychology. Each chapter is well organized, with interesting titles and clearly identified subheadings. Questions at the end of each chapter suggest possible class discussion topics. References at the close of most chapters refer to the best-known works in sociology, psychology, and child development with reference to the family. Because so many phases of college and family life are included

in the two hundred and seventy-five pages, each topic must be handled very briefly.

While intended for college students, the simple language, the type of sketches, and the lack of detail might well make this book suitable for high school students. The author does not propose to add new knowledge to the field. Rather she intends to make available to students a summary of the existing material which she feels may be of value in their own lives.

Ethelyn Davis

Texas Woman's University

KEITH EUBANK: *Paul Cambon Master Diplomatist*. Norman, University of Oklahoma Press, 1960. 221 pages. \$4.00.

Paul Cambon was probably the most influential French diplomat of the twentieth century, serving as French ambassador to London during the momentous period from 1898 to 1920. Appointed in the wake of the Fashoda crisis, he promoted British-French friendship which led to the Entente Cordiale and the close diplomatic partnership between the two countries during the ensuing Moroccan crises. He worked diligently to establish even stronger ties in the years leading up to the crisis of 1914, and during the tense days which preceded the outbreak of war and England's involvement he endured the "darkest moments" of his life as he skillfully negotiated with Sir Edward Grey for British support for his country.

Such a career deserves a biography in English, which we now have thanks to Professor Eubank. The Professor has attempted, however, to narrate a life

story spanning more than eighty years in hardly more than two hundred pages. As a result the style has suffered, and much that would have interested the reader has been omitted.

The book is basically a case study of a "master diplomatist" who was, in Harold Nicolson's words, "a miracle of patience." But the specialist in diplomatic history reading it will find time and again that the detailed narrative and analysis he might expect is lacking. This is particularly true concerning Cambon's role in the complicated events between July 29 and August 2, 1914. General accounts of the crisis, such as those by Schmitt and Albertini, discuss in some detail Cambon's activities and the several problems raised by contradictory documents; but Eubank tells the story in barest outline, and with intermittent and omnibus footnotes which make it difficult to relate the sources to the text.

Sources simply are not available for some aspects of the story, and Professor Eubank has after diligent search been able to discover very little not previously known. However, the available material does make it possible to analyze Cambon's career and its significance. Just his *Correspondance* alone would offer ample data for a study of his private personality and his attitudes. His desire for revenge for the French humiliation of 1870 is a key to his actions, right up to his vindictive approach to a defeated Germany in 1919. For him as a French nationalist the Entente with Great Britain and French imperial interests, notably in Morocco, were to be promoted patiently but persistently by the traditional techniques of a master diplomatist.

That historians within a few years of his death would begin to list nationalism, alliances, and imperialism as among the chief causes of the war and all its baleful consequences he undoubtedly could not envision—he who called Wilson a "vague dreamer." This reviewer at least does not share the author's unqualified enthusiasm for traditional diplomacy and its master and shortsighted practitioner Paul Cambon.

Gordon H. McNeil
University of Arkansas

TROY J. CAULEY: *Public Finance and the General Welfare*. Columbus, Ohio: Charles E. Merrill Books, Inc., 1960. 398 pp. n.p.

There are comparatively few college textbooks in public finance which—by title or content—are molded deliberately to concepts of "the general welfare." This one is, and the author makes no bones about it. Equating general welfare with economic stability at full employment, Professor Cauley summarily rejects monetary policy as an instrument in achieving this objective and places full reliance upon fiscal policy buttressed by certain direct controls of a nonfinancial nature.

Within this context, this volume treats the orthodox elements of American public finance in five parts. Part I relates public finance to the total economy and briefly analyzes financial administration, especially the federal budgetary process. Public expenditures and the volume of national economic activity as measured by gross national product and national income occupy two chapters in Part II. Part III—constituting one-half of the entire volume

—is devoted to "Public Revenues," and covers taxes, nontax sources, and intergovernmental relations. Part IV discusses the public debt, and Part V is devoted to fiscal policy elements and recommendations.

Woven prominently into the fabric of this work are the views of J. K. Galbraith as pronounced in *The Affluent Society*. In the chapter on "Theory and Trends of Public Expenditure," for example, Professor Cauley presents Galbraith's well-publicized concept of *social balance* and supports vigorously his thesis that goods provided by the public sector of the economy are deficient in supply as compared with those furnished by the private sector. Elsewhere in this volume he refers to Galbraith's views for support and illustration, and universally agrees with him except on one point—the role of sales taxes in rectifying the social imbalance. In contrast to Galbraith's views that sales taxes are not terribly burdensome in an affluent society and that they provide a palatable expedient for financing expanded public services, Cauley is an unequivocal exponent of the personal income tax. With respect to Galbraith's views on sales taxes, he states: "We could agree that it would be better to get certain badly needed services from state and local governments by paying for them with sales taxes than not to get them at all, but the choice is not necessarily as hard as this." In the light of the fact that no state has been added to the list imposing a personal income tax during the past two decades when sales taxes at state and local levels have enjoyed a substantial growth, one may well be inclined to wonder if indeed the choice may not be just this hard.

Although author Cauley believes in the efficacy of fiscal policy as the regulator of national economic activity, he recognizes practical obstacles to their full application in the American economy and, therefore, suggests additional measures which will assist in full employment with stable prices. These include an "escalator clause" similar to certain wage contracts wherein wages are tied automatically to changes in the Consumers' Price Index. Under this proposal, the yield of the federal personal income tax would be changed with up and down movements of an appropriate economic index. In this area of federal expenditures, a conditional appropriation for an ambitious public works program would be spent with an increase in unemployment and a decrease in the general price level. Similarly, larger unemployment compensation payments would be made with an increase in the number of unemployed workers. The last proposal in this package is that certain basic industries which are contributory to inflation—steel being cited as an example—be recognized as public utilities and subjected to direct regulatory controls by the federal government.

Lynn F. Anderson
The University of Texas

ERNEST WALLACE AND DAVID M. VIGNESS (eds.): *Documents of Texas History, Vol. I*. Lubbock, Texas Technological College Library. 152 pages. \$2.25.

Beyond the personal satisfaction that must come from doing a needed job and doing it well, there ought to be

some special award for people like Ernest Wallace and David M. Vigness, who take the trouble to compile, evaluate and publish basic documents in any field of history.

In 152 double-column pages they have brought together official and unofficial writings that highlight the Texas story from Cabeza de Vaca to Anson Jones (1528 to 1846). There are 70 documents, each introduced by a succinct statement that orients the reader to it. Some are still in manuscript; most of those that have been previously published are in works long out of print and unavailable to most students of Texas history; a few are here translated from the Spanish for the first time. Professor Wallace, who knows his way around among Texas source materials, planned the work and made the final selections. He was fortunate to have had the collaboration of Professor Vigness, whose ability as a translator as well as a historian are also widely recognized. One guesses that for each document they included, three or four were discarded.

Unlike Eugene C. Barker's *Readings in Texas History*, the bulk of these documents are official ones, and all of them are primary sources. There is little overlap between these two valuable compilations. The *Southwestern Historical Quarterly*, was the richest mine of materials, with the transcripts from Mexican archives in the University of Texas Library and manuscripts in the National Archives a close second. Other valuable items are from *Niles's Register* (1813), *Mid-America* (1930, 1940) and from such long-time favorites as Foote's *Texas and Texans* (1841) Smithwick's *The Evolution of a State*

(1900), Mary Austin Holley's *Texas* (1833), Thomas J. Green's *Journal* (1845) and William Kennedy's *Texas* (1841).

Documents of Texas History is not only a valuable teaching aid but a welcome addition to any Texana collection. It is a work well conceived and expertly executed. The fact that this is Volume I leads one to hope that a second and maybe a third volume may be forthcoming under the same auspices.

Herbert Gambrell
Dallas Historical Society

CLIFFORD GEERTZ: *The Religion of Java*. Glencoe, Illinois, Free Press, 1960. 392 pages. \$7.50.

Professor Geertz's work represents the results of a recent anthropological investigation of religion in a small town in east central Java. Although rich in carefully documented detail, the book is not a dreary chronicle of customs, but an analysis of the central religious beliefs, values and practices of a large part of the Javanese population.

Java is nominally Moslem but is in reality religiously pluralistic. Three major and distinct religious traditions exist side by side. The *abangan* tradition centers about the *slametan*, a ritual meal given on frequent occasions by householders for their neighbors and kinsmen. Largely confined to the peasantry, *abangan* religion is non-doctrinal, syncretic and without formal organizational expression. The traditional Javanese peasant lives in a world of sorcerers, guardian spirits and numerological systems. The *prijaji* tradition is the religious mode of the office-holding elite.

Formerly an urban hereditary aristocracy, the *prijaji* stratum long furnished the only native officials in the Dutch bureaucracy. The *prijaji* world view is more or less intact and is still identified with high prestige despite the fact that its carrying stratum is now Westernized in part and is beset by incursions from below as mobility becomes increasingly prevalent. *Prijaji* influence is especially strong in etiquette and in the arts, but its Hindu-like doctrine of the stable, organic and inequalitarian society is increasingly unpopular as well as unrealistic. Though disdainful of the "superstitions" of the masses, the *prijaji* elements themselves, like many Oriental elite groups, combine religious tolerance with religious exclusivism. Given to meditation, speculation and ascetic exercises, *prijajis* conceive of religion as an intensely private search for meaning and often for power.

The *santri* or purer Islamic tradition on the other hand was imported historically from the Near East and bears the stamp of Western monotheism and universalism. It is the religion of the trading class and of the wealthier peasantry. Despite its division into two major factions, one that is relatively "conservative," syncretic and closer to the *abangan* tradition, and one that is both puristic and "modernist," *santri* religion is united in its activist, ethical and objective outlook on life. It is the most politically aggressive of the three religious traditions.

In view of this long-standing, class-linked religious division, it is not surprising that in the relatively unstable period since World War II religious tension has increased and has become

more deeply involved in political controversy than before. Professor Geertz is well aware of the precarious balance between integrating and conflict-producing factors in the contemporary religious situation. He is also aware of the rapidity with which changes have been occurring throughout Indonesia. Unfortunately this work is intended mainly as a descriptive monograph. Although the author devotes a brief concluding section to the subject of conflict and integration, the reader whose interests in this problem are theoretical or who is looking for informed predictions about the course of events, will find his appetite very meagerly appeased.

Benton Johnson
University of Oregon

CLARENCE SENIOR: *Strangers—Then Neighbors: From Pilgrims to Puerto Ricans*. New York, Freedom Books, 1961. 86 pages. \$.95.

Freedom Books are paperbacks published by the Anti-Defamation League in the interests of improving relations between members of different religious and ethnic groups. The present volume presents the Puerto Ricans as the latest in the long series of immigrants who have shaped American history. Information that will promote sympathetic understanding of the newcomers is emphasized; by the same token, little critical analysis of the sources of their difficulties and conflicts has been attempted.

Senior begins the book by pointing out the vital part immigrants have played in the growth of this country.

He then compares the present social position and prospects of the Puerto Ricans with those of earlier immigrant groups and of other immigrants such as Negroes and southern "hillbillies." Some of the welfare programs that aid such groups are also described.

The remainder of the discussion centers upon the Puerto Ricans themselves. The political, social, and economic circumstances of their homeland and the selective factors that influence migration are described. The place Puerto Ricans are now assuming in American life is briefly presented—in regard to employment, housing, civic and community participation, and religious activities. Evidence is presented to show that in spite of many disadvantages, these people are proving to be skillful workers and good citizens.

The text is supplemented by eight pages of photographs showing life in Puerto Rico and an appendix that outlines techniques for principals and teachers to use in dealing with Puerto Rican pupils and parents. A useful bibliography is included.

Bruce M. Pringle
Southern Methodist University

C. H. SANDAGE AND VERNON FRYBURGER (eds.): *The Role of Advertising: A Book of Readings*. Homewood, Illinois, Richard D. Irwin, Inc., 1960. 499 pages. \$6.00.

WANTED. Social scientists for rigorous analysis of the role of advertising in socioeconomic systems. Field largely unexplored in depth. Rich opportunity. . . .

Purely fictional, this little ad inspired by Sandage and Fryburger's *The Role*

of *Advertising* is intended to underscore two points which become increasingly clear as one reads through advertising's first academically-styled book of readings. *Point 1.* From the catholic point of view of the social scientist, relatively little scholarly study has ever been given to advertising. But when competent scholars have directed their attention to this pervasive medium of mass communication, the product of their study has usually been enlightening and provocative. *Point 2.* Society in general, and that of the United States in particular, suffers from a quite narrow view of and a shallow insight into the role of advertising and its influence in social and economic conduct.

To illustrate: Until David M. Potter, Chairman of American Studies at Yale University, devoted an entire chapter of his most recent book, *People of Plenty*, to the subject of advertising, no prominent historian had ever given advertising more than a passing mention. But once Professor Potter subjected the phenomena to his penetrating analysis, he pointed out the reach of this "instrument of social control" in terms not even the most zealous practitioner had ever proposed. Potter wrote:

... [In the United States] advertising now compares with such long-standing institutions as the school and the church in the magnitude of its social influence. It dominates the media, it has vast power in the shaping of popular standards. ...

It seems obvious that society stands to suffer if an instrument of social control of the magnitude which Potter suggests goes long unrecognized or dimly understood and is allowed to

operate without appropriate and adequate restraints of social responsibility. What else about advertising remains to be uncovered under the careful scrutiny of social and behavioral scientists?

While not all selections in the book under review measure up to Potter's chapter, or to the extract from Neil H. Borden's monumental work on the economic aspects of advertising, or C. G. Mortimer's "Annual Report to Stockholders, the General Foods Corporation, 1959," on the whole the forty-nine selections are excellent. The one criticism which may be justified is that all contributors are Americans. Undoubtedly the reader would profit from the writings of a few foreign observers, such as England's E. A. Lever and F. P. Bishop, especially the latter, who has produced a stimulating economic analysis of advertising against a background that contemplates advertising's role in both the free enterprise system and in the planned economy.

In concluding, it is well to note that the book is organized in five parts, which helps the reader to get a clearer focus on the *role of advertising*: (1) in the economy, (2) as communication, (3) in society, (4) in business, and its (5) social responsibility.

Ernest A. Sharpe
The University of Texas

CHARLES H. LANGE: *Cochiti, A New Mexico Pueblo Past and Present*. Austin, University of Texas Press, 1959. 618 pages. \$10.00.

Cochiti, located some 30 miles southwest of Santa Fe, is the northernmost pueblo of the Keresan-speaking Pueblo

tribes of New Mexico. The present site of the pueblo has been occupied for at least seven hundred years.

The bulk of the field data presented in this book was gathered during the author's residence in Cochití, which totaled 24 months in the period 1947-1951. Follow-up visits in 1957 and 1958 provided data in rounding out the picture of culture change.

The author's aim

is the combination of two fundamental approaches of anthropology to the study of culture. It portrays the way of life of present day Cochití Indians in the kind of community study that is commonly used in social anthropology . . . At the same time, the monograph reveals, wherever possible, antecedents for the present in the manner of historical ethnography.

An adjunct to the author's observations and to previously published data on Cochití is the utilization of unpublished material.

Unpublished material regarding social organization and the life cycle was obtained from the records of the Franciscan Fathers at Peña Blanca. These data extended back to 1870, before the birth of any Cochití living in 1952 . . . The unpublished journals of Adolph F. Bandelier for the years 1880-1892 provided valuable data of a specific nature often lacking in Bandelier's published works and were important in providing considerable time depth for modern phenomenon.

The monograph proper discusses history, property and ownership, economy, political organization, ceremonial organization, ceremonial calendar, social organization, and the life cycle. Of particular interest is an appendix of 44 sections which tables basic data rang-

ing over such topics as census data for the period 1680-1952, the use of electricity in Cochití, crop averages and yields, rosters of political and ceremonial personnel, and a list of katsinas and their costumes. Gertrude P. Kurath has contributed a section describing Cochití choreographies and songs, while J. R. Fox contributed a note on Cochití linguistics which discusses phonology and grammar as well as the relative functions of Keresan, English, and Spanish in the life of the Pueblo.

The monograph is a massive and detailed analysis of the pueblo in its setting. The emphasis is on human behavior rather than on artifacts, although numerous line drawings and a series of photographs taken between 1888 and 1951 provide a concrete orientation to Cochití material culture. Ethnological comparisons deal largely with temporal rather than with spatial perspectives.

While a detailed appraisal of Lange's analyses must be deferred to a specialist on pueblo ethnology, it is safe to say that his contribution will become a standard reference among the literature of the Southwest.

Hans Hoffmann
University of Arkansas

MORRIS JANOWITZ: *The Professional Soldier: A Social and Political Portrait*. Glencoe, Illinois, Free Press, 1960. 440 pages. \$6.75.

Morris Janowitz, Professor of Sociology at the University of Michigan, served with the Department of Justice and the Psychological Warfare Branch of the Allied Forces in the European Theater in World War II. He appar-

ently lacks a diversified service background and hence speaks, in the overall, as an "outsider looking in."

In his book he presents a comprehensive sociological study of the current organizational setting of the military services and their leadership, as they have evolved during the last half-century. He describes the fundamental changes that he feels must be accomplished if the armed forces are to become a "constabulary" equipped for future tasks.

In presenting the military in transition, Janowitz discusses his view of career motivations and the career patterns of officers, describes how modern managerial techniques have served as a substitute for old-fashioned discipline, and makes distinctions between military technologists, military managers and "heroic" leaders. His study includes an analysis of the style of life of the military community, particularly the etiquette and ceremony adhering to the profession; the public relations, and what he describes as "The pressure group activities of the military"; and the role of the retired officer in civilian life.

The author proposes three "crucial" questions as a basis for consideration. First: Can the military succeed in adapting itself to continuous technological change? Second: Can it redefine its strategy, doctrine, and self-conceptions so it can organize itself to meet its multiple functions of strategic deterrence, limited warfare, and political-military responsibility? Last: Can it maintain an effective organization while participating in new schemes like nuclear test controls and regional security arrangements?

In reply to these questions he concludes that the future of the military profession rests on a balance between organizational stability and adaptation to rapid technological and political change. In addition, military leaders must be prepared to assist in accurately estimating the consequences of the threat or use of force against the potentials for persuasion and conflict resolution and they must make the management of an effective military force compatible with participation in political and administrative schemes for arms inspection and control that may emerge in the future.

Professor Janowitz believes that the use of force in international relations has been so altered that it seems appropriate now to speak of "constabulary forces" rather than military forces. Under his concept the military establishment becomes a constabulary force when it has incorporated a protective military posture, when it is continuously prepared to act, committed to a minimum use of force, and seeks viable international relations, rather than victory.

The constabulary outlook is said to be grounded in, and an extension of, pragmatic doctrine. The concept encompasses the entire range of military power and organization. At the upper end are the weapons of mass destruction, those of flexible and specialized capacity are at the lower end, including the specialists in military aid programs, in para-military operations, in guerilla and counter-guerilla warfare. To equate the management of *mass destruction weapons* with *strategy* and the management of *low destructive weapons* with *tactics*, has been and remains a source

of professional and public confusion. The Constabulary Concept recognizes that there are strategic and tactical dimensions at each end of the range. For example the *tactics* of strategic deterrence require day-to-day decisions from the management of community relations at overseas bases, fitted to the timing of political-military pronouncements by national leaders. On the other hand *strategic* decisions regarding limited warfare involve far reaching policies about size, control, and allocations of military units.

I would gather that Professor Janowitz views the Armed Forces of the future as an essential and active ingredient in a rich and complicated international-political chowder. He feels it never has been practicable to keep politics out of the military or the military out of politics—in America or internationally—and that it becomes less practicable every day. The book will provide interesting reading for both the professional and civilian reader concerned with the role of the military in our democratic society.

W. A. Kengla

Colonel, U.S. Marine Corps (ret.)

Austin, Texas

REDDING S. SUGG, JR. AND GEORGE HILTON JONES: *The Southern Regional Education Board*. Baton Rouge, Louisiana State University Press, 1960. 179 pages. \$4.00.

To young Southerners in the 1940's, no idea was more exciting than Howard Odum's concept of regionalism. Suggs and Jones trace the birth and coming-of-age of one of the offsprings

of regional consciousness, the Southern Regional Education Board.

The authors have produced a terse, yet faithful and remarkably nonpolemic, account of a human effort to implement an idea. The idea is one of regional—chiefly interstate—cooperative endeavor in higher education. The implementation is an organization at work, choosing goals, launching projects, creating machinery, encountering obstacles, achieving some results and failing to achieve others.

Covering the period from 1948 to 1958, the authors describe the context within which the Southern Regional Education Board came into existence. They trace its evolution and major lines of activity, portray several different approaches employed in an attempt to implement "cooperation," and describe the chief projects undertaken. The reader emerges with a good sense of what but with only vague impressions of why, since the book is neither history nor chronicle. It is a highly-selective account of political and social experimentation. Straightforward reporting is the style. The story is worth knowing, and the book—even taken at face value—is worth reading.

However, if the book is significant it must be made so by the reader. The authors have been content to furnish data, with only occasional editorializing. But the data have interesting implications. On almost every page an intriguing problem of social action rears its head. Reading, and pondering, the data as if the book bore as its subtitle, "From Theory to Action," can be a rewarding and significant experience for those whose interests lie in social teleis.

The rationale for regional cooperation in higher education, as in other human endeavors, is compelling. Tangible achievements through such cooperation can be envisioned in large number—on a theoretical plane. But, what happens when a piece of social machinery is created to implement a rationale, pursue achievements upon an empirical base? The experience with the Southern Regional Education Board, even when merely sketched as in this volume, provides some intriguing hints at answers to that question.

L. D. Haskew
The University of Texas

TOM HENDERSON WELLS (ed): *Commodore Moore and the Texas Navy*. Austin, University of Texas Press, 1960. 218 pages. \$4.75.

One needs to know the author's naval background and the fact that he is a descendant of a prominent pioneer Texas family to thoroughly appreciate this book. Commander Wells is a graduate of the U.S. Naval Academy and served twenty years as a commissioned officer in the U.S. Navy. His interest in the role of the Navy in helping to liberate Texas from Mexico has resulted in extensive historical research and a well-documented work which brings to light a little-known hero of the Texas Republic, Commodore Edwin Ward Moore. Furthermore, the author has presented a good case to substantiate his conclusions that there was a lack of appreciation of his hero and of the Texas Navy.

The early chapters of this book are primarily a Navy log, describing in con-

siderable detail the acquisition, fitting out and training of the ships that comprised the small Texas Navy. The reader's interest will mount as the young Navy sweeps into action under Commodore Moore's able and dynamic leadership.

The Commodore was not only a capable and fearless tactical commander but a diplomat and strategist as well. His diplomatic skill was demonstrated in dealing with Yucatan. An agreement was reached with this rebelling Mexican province which provided funds for operating the Navy and friendly harbors, close to the Mexican coastline, for raiding commerce and blockading important ports. Moore proved his ability as a naval strategist in the intelligent employment of sea power. He realized that the weak point in the Mexican armor was their dependence on sea communications. Consequently his strategy was to carry the war to the enemy's doorstep by capturing his ships and by blockading his ports, rather than waiting for the enemy to mount a large scale land offensive which President Houston planned to oppose with his weak and disorganized militia. Moore's tactical skill and strategy were brilliantly displayed in the engagement off Yucatan's coast, in which two sailing vessels of the Texas Navy so gallantly fought and forced to retire two much larger and more heavily armed Mexican steamers. This battle proved conclusively that with earlier support and backing of the government, the Texas Navy would have forced speedy recognition from Mexico.

In carrying out his deep and firm conviction as a Texas patriot, surely few men have fought against greater odds

than Commodore Moore and few have shown more resourcefulness and determination in overcoming the insuperable.

Commodore Moore and the Texas Navy is a definite contribution to Texas history. The author deserves credit for discovering an unknown naval hero and in bringing to light the important role of sea power in the struggle for Texas independence.

H. Y. McCown
Captain USN (ret.)
Austin, Texas

GUENTER LEWY: *Constitutionalism and Statecraft during the Golden Age of Spain: A Study of the Political Philosophy of Juan de Mariana S. J.* Geneva, Librairie E. Dorz, 1960. 199 pages. 20 Swiss Francs.

Juan de Mariana's name has come to be synonymous with all that is allegedly despicable in the Jesuit Order and with a blatant advocacy of tyrannicide. This is due primarily to certain passages in his *De Rege* in which he advocates the killing of tyrants. Perhaps, on the other hand, no political writer has suffered as grievously from a vulgarization and distortion of his doctrine, and that on the basis of one of his works alone, than has Mariana. Actually there was more to this seventeenth-century Jesuit than the Catholic and Protestant polemicists of the period of the Counter Reformation were willing to concede. This has been acknowledged by such scholars as Figgis and Allen, but to date there has not been available in English a full length analysis of his thought and influence. This lack has now been reme-

died by the present book which offers for our consideration a reasoned evaluation of this untypical Jesuit.

Politically Mariana is a medieval conservative in the tradition of St. Thomas Aquinas. He is an opponent of tyranny in all its forms and an advocate of limited and constitutional monarchy. To defend his position he calls upon the scholastic heritage of the preceding century with its inherent Aristotelian bias, using it to justify a doctrine of the popular origin of political power against the theory of divine right. This, however, as our author notes, does not make Mariana an advocate of the modern democratic state. His espousal of the people as the source of power, of limited government based on contract, of a right of resistance to tyranny, are all designed to operate within the limitations of an essentially aristocratic society expressing itself through the instrumentality of the estates of the realm. Even his defense of tyrannicide is intended more as a deterrent to would-be arbitrary rulers than as a counsel to be followed by disaffected citizens on every and all occasions.

His attempted application of his principles to the internal organization of the Jesuits is illustrative of the consistency of his thought and likewise explains the reason why he occupies so ambivalent a position in the history of that Order. Professor Lewy's comparison of him to the Anglican Hooker, the "judicious Hooker" of English political thought, is apt. Both men were basically conservative, both operated within the limitations of their national institutions, and both significantly influenced the growth of ideas. Mariana's political views were well-known and his influence, over and

above his advocacy of tyrannicide, is found throughout the writings of the seventeenth century. Calvinists, while denouncing him, still quoted him. Suarez and Bellarmine spelt out in detail the implications of his theories and the eighteenth-century enlightenment built in part upon his foundations.

It is to be hoped that the present work will correct many of the common misconceptions in regard to Mariana and his teaching and lead to further scholarly investigation of the extent of his influence on specific writers. A valuable bibliography enriches the usefulness of the present volume and provides a basis from which to move to further study. The author is to be commended for his fairness and objectivity in dealing with this controversial figure. Possibly it has taken the passage of some three centuries and the consequent cooling of old passions to enable this to be done.

H. Malcolm Macdonald
The University of Texas

PAUL K. CONKIN: *Tomorrow a New World: The New Deal Community Program*. Ithaca, New York, Cornell University Press for the American Historical Association, 1959. 350 pages. \$6.00.

This is a book of three rather distinct parts. The first part deals with certain phases of the American community idea from the mid-nineteenth century until 1933; the second examines the programs and actions of certain major New Deal agencies concerned with community planning; and the third presents the case histories of Arthurdale,

Jersey Homesteads, Penderlea Homesteads, Granger Homesteads, and the Greenbelt Towns.

A main value of *Tomorrow a New World* is that it apparently is the first study of the whole New Deal community program and its origins. It is the winner of the Albert J. Beveridge Memorial Fund Award.

The author, Paul K. Conkin, is a young Ph.D. from Vanderbilt University. If he can use a few less footnotes and learn to distinguish better between the trivial and the important, he apparently is well on his way toward the ranks of distinguished historians. Conkin exhibits all the strength (painstaking work plus considerable imagination) and all the weakness (excessive trust in the honesty of statements in documents and ponderous presentation) of American historians. *Tomorrow a New World* will be an exasperating work for political scientists, sociologists, and economists, for it never quite gets at their interests. Yet, it is a "must" book for all social scientists as well as historians interested in the New Deal Community Program.

Frederick C. Irion
University of New Mexico

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June, 1961

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- Donovan, Timothy Paul: *Henry Adams and Brooks Adams: The Education of Two American Historians*. Norman, University of Oklahoma Press, 1961. 220 pages. \$4.00.

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- Edmunds, Palmer D.: *Law and Civilization*. Washington, D.C., Public Affairs Press, 1960. 528 pages. \$6.00.
- Elder, Robert Ellsworth: *The Policy Machine: The Department of State and American Foreign Policy*. Syracuse, New York, Syracuse University Press, 1960. 238 pages. \$4.50.
- Elkin, Frederick: *The Child and Society*. New York, Random House, Inc., 1960. 121 pages. \$.95.
- Fearey, Robert A.: *The U.S. versus the USSR: Ideologies in Conflict*. Washington, D.C., Public Affairs Press, 1959. 48 pages. \$1.00.
- Fernbach, Alfred: *Soviet Coexistence Strategy: A Case Study of Experience in the International Labor Organization*. Washington, D.C., Public Affairs Press, 1960. 63 pages. \$1.00.
- Fetter, Robert B.: *Decision Models for Inventory Management*. Homewood, Illinois, Richard D. Irwin, Inc., 1961. 123 pages. \$5.75.
- French for Secondary Schools: Suggested Content and Organization for Four and Six-Year Sequences*. New York, State Education Department, Bureau of Secondary Curriculum Development, 1960. 205 pages. n.p.
- Fogel, Robert W.: *The Union Pacific Railroad: A Case in Premature Enterprise*. Baltimore, Johns Hopkins Press, 1960. 129 pages. \$3.50.
- Friedlander, Walter A.: *Introduction to Social Welfare* (2nd edition). Englewood Cliffs, New Jersey, Prentice Hall, Inc., 1960. 589 pages. \$7.50.
- Gentry, Dwight L.: *Elements of Business Enterprise*. New York, The Ronald Press Company, 1961. 705 pages. \$7.00.
- Germino, Dante L.: *The Italian Fascist Party in Power: A Study in Totalitarian Rule*. Minneapolis, University of Minnesota Press, 1959. 181 pages. \$4.50.
- The American Assembly, Columbia University: *Goals for Americans*. Englewood Cliffs, New Jersey, Prentice Hall, Inc., 1960. 372 pages. \$1.00.
- Gotshal, Sylvan: *Together We Stand: New Perspectives on French-American Relations*. Washington, D.C., Public Affairs Press, 1959. 77 pages. \$3.25.
- Gould, Linwood P.: *The Price of Survival*. Washington, D.C., Public Affairs Press, 1959. 96 pages. \$2.50.
- Graves, W. Brooke (ed.): *Major Problems in State Constitutional Revision*. Illinois, Public Administration Service, 1960. 306 pages. \$6.50.
- Greenwald, Norman: *The Mideast in Focus*. Washington, D.C., Public Affairs Press, 1960. 86 pages. \$2.50.
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- Marketing Effort* (2nd edition). New York, The Ronald Press Company, 1961. 504 pages. \$8.50.
- Hacker, Andrew: *Political Theory: Philosophy, Ideology, Science*. New York, The Macmillan Company, 1961. 609 pages. n.p.
- Hamlin, D. L. B. (ed.): *The Latin Americas: 29th Couchiching Conference*. Toronto, The University of Toronto Press, Canadian Institute of Public Affairs, 1960. 126 pages. \$1.50.
- Hahn, Lorna: *North Africa: Nationalism to Nationhood*. Washington, D.C., Public Affairs Press, 1960. 264 pages. \$6.00.
- Hardin, John Wesley: *The Life of John Wesley Hardin as Written by Himself*. Norman, Oklahoma University Press, 1960. 152 pages. \$2.00.
- Horowitz, Irving Louis: *Philosophy, Science and the Sociology of Knowledge*. Springfield, Illinois, Charles C Thomas, Publisher, 1960. 169 pages. \$7.75.
- Hoselitz, Bert F., Joseph J. Spengler, J. M. Letiche, Erskine McKinley, John Buttrick, and Henry J. Bruton: *Theories of Economic Growth*. Glencoe, Illinois, Free Press, 1961. 344 pages. \$7.50.
- Keiser, Norman F.: *Introductory Economics*. New York, John Wiley & Sons, Inc., 1961. 545 pages. n.p.
- Kimpel, Ben: *Principles of Moral Philosophy*. New York, Philosophical Library, Inc., n.d. 234 pages. \$3.75.
- Kovner, Milton: *The Challenge of Co-existence: A Study of Soviet Economic Diplomacy*. Washington, D.C., Public Affairs Press, 1961. 130 pages. \$3.25.
- Kurtz, Howard G.: *Challenge to World Leadership*. Washington, D.C., Public Affairs Press, 1960. 24 pages. \$1.00.
- Langsner, Adolph, and Herbert G. Zolitsch: *Wage and Salary Administration*. Cincinnati, South-Western Publishing Company, 1961. 724 pages. n.p.
- LeFerve, Robert: *This Bread Is Mine*. Milwaukee, Wisconsin, American Liberty Press, 1960. 384 pages. \$6.50.
- Lovejoy, Wallace F., and I. James Pikel, Jr.: *Essays on Petroleum Conservation Regulation*. Dallas, Southern Methodist University, 1960. 114 pages. n.p.
- McCamy, James L.: *Science and Public Administration*. Alabama, University of Alabama Press, 1960. 218 pages. \$3.50.
- McCoy, Charles A.: *Polk and the Presidency*. Austin, University of Texas Press, 1960. 238 pages. \$4.50.
- Mason, Robert L., Pearson Hunt, and Robert N. Anthony: *Cases in Financial Management*. Homewood, Illinois, Richard D. Irwin, Inc., 1960. 720 pages. \$9.00.
- Mayer, Frederick: *The Goals of Education*. Washington, D.C., Public Affairs Press, 1960. 98 pages. \$3.25.
- Nelson, Eastin (ed.): *Economic Growth: Rationale, Problems, Cases*.

- Austin, University of Texas Press, 1960. 288 pages. \$5.00.
- O'Donnell, Cyril: *Cases in General Management*. Homewood, Illinois, Richard D. Irwin, Inc., 1961. 375 pages. \$6.00.
- Owens, Richard N.: *Management of Industrial Enterprises* (4th edition). Homewood, Illinois, Richard D. Irwin, Inc., 1961. 724 pages. \$7.75.
- Parmelee, Maurice: *The History of Modern Culture*. New York, Philosophical Library, Inc., 1960. 1295 pages. \$10.00.
- Perkins, Dexter: *The United States and Latin America*. Baton Rouge, Louisiana State University Press, 1961. 124 pages. \$3.00.
- Polansky, Norman A. (ed.): *Social Work Research*. Chicago, The University of Chicago Press, 1960. 306 pages. \$5.00.
- Power, Paul F.: *Gandhi on World Affairs*. Washington, D.C., Public Affairs Press, 1960. 128 pages. \$3.25.
- Quirk, Robert E.: *The Mexican Revolution 1914-1915: The Convention of Aguascalientes*. Bloomington, Indiana University Press, 1960. 326 pages. \$6.75.
- Reckless, Walter C.: *The Crime Problem* (3rd edition). New York, Appleton-Century-Crofts, Inc., 1960. 648 pages. \$6.75.
- Reddick, Dewitt C., Marilyn Miller, Robert E. Mims: *A Directory of Texas Magazines and Other Periodicals—1960*. Austin, University of Texas, Bureau of Business Research, 1961. 59 pages. \$5.00.
- Rothchild, Donald S.: *Toward Unity in Africa: A Study of Federalism in British Africa*. Washington, D.C., Public Affairs Press, 1960. 224 pages. \$5.00.
- Roucek, Joseph S.: *Sociology of Crime*. New York, Philosophical Library, Inc., 1961. 551 pages. \$10.00.
- Saposs, David J.: *Communism in American Politics*. Washington, D.C., Public Affairs Press, 1960. 259 pages. \$5.00.
- Schmidt, Karl M.: *Henry A. Wallace: Quixotic Crusade 1948*. Syracuse, New York, Syracuse University Press, 1960. 362 pages. \$5.50.
- Schnapper, M. B.: *Constraint by Copyright: A Report on "Official" and "Private" Practices*. Washington, D.C., Public Affairs Press, 1960. 154 pages. n.p.
- Schnapper, M. B. (ed.): *The Facts of American Life*. Washington, D.C., Public Affairs Press, 1960. 419 pages. \$6.00.
- Schoenfeld, Benjamin N.: *Federalism in India*. Washington, D.C., Public Affairs Press, 1961. 27 pages. \$1.00.
- Schubert, Glendon: *The Public Interest: A Critique of the Theory of a Political Concept*. Glencoe, Illinois, Free Press, 1961. 244 pages. \$5.00.
- Schwartz, Andrew J.: *America and the Russo-Finnish War*. Washington, D.C., Public Affairs Press, 1960. 103 pages. \$3.25.
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- List of Science Books for General Science*. Albany, Bureau of Secondary Curriculum Development of the New York State Education Department, 1960. 20 pages. n.p.
- Scott, Walter Dill and Robert C. Clothier: *Personnel Management: Principles, Practices, and Point of View* (6th edition). New York, McGraw-Hill Book Company, Inc., 1960. 623 pages. \$7.75.
- Sewell, William W. and Oluf M. Davidsen: *Scandinavian Students on an American Campus*. Minneapolis, University of Minnesota Press, 1961. 134 pages. \$3.50.
- Sirkin, Gerald: *Introduction to Macroeconomic Theory*. Homewood, Illinois, Richard D. Irwin, Inc., 1961. 252 pages. \$6.50.
- Smith, J. Malcolm and Cornelius P. Cotter: *Powers of the President During Crises*. Washington, D.C., Public Affairs Press, n.d. 184 pages. \$5.00.
- Speer, James P., II: *For What Purpose: An Angry American's Appeal to Reason*. Washington, D.C., Public Affairs Press, 1960. 86 pages. \$2.50.
- Syllabus in English for Secondary Schools: Grades 7 through 12*, 1960. Albany, Bureau of Secondary Curriculum Development of the New York State Education Department, 1960. 219 pages. n.p.
- Thompson, John T.: *Public Administration of Water Resources in Texas*. Austin, University of Texas, Institute of Public Affairs, 1960. 172 pages. \$2.50.
- Umen, Samuel: *The Nature of Judaism*. New York, Philosophical Library, Inc., 1960. 152 pages. \$3.75.
- Watson, Richard A.: *Law Enforcement in Missouri: State Highway Patrol*. Missouri, University of Missouri, Bureau of Government Research, 1960. 47 pages. n.p.
- Weiner, Herbert E.: *British Labor and Public Ownership*. Washington, D.C., Public Affairs Press, 1960. 111 pages. \$3.25.
- Weyl, Nathaniel: *The Negro in American Civilization*. Washington, D.C., Public Affairs Press, 1960. 360 pages. \$6.00.
- Wilkinson, Joe R.: *Politics and Trade Policy*. Washington, D.C., Public Affairs Press, 1960. 151 pages. \$3.75.
- Yeager, Philip B. and John R. Stark: *Your Inalienable Rights*. Washington, D.C., Public Affairs Press, 1960. 273 pages. \$5.00.
- Zettlemoyer, Charles: *Kentucky Veterans Bonus Estimated Cost*. Frankfort, Kentucky, Legislative Research Commission, 1960. 34 pages. n.p.

The Association: Proceedings of the 1961 Convention

Minutes of the Executive Council, SOUTHWESTERN SOCIAL SCIENCE ASSOCIATION, Thursday, March 30, 1961, 8:00 p.m., Statler Hilton Hotel, Dallas, Texas

The meeting was called to order by President Arbingast. Members present were: Dr. Stanley A. Arbingast, President; Dr. Leon C. Megginson, First Vice President; Dr. George T. Walker, Second Vice President; Dr. Alfred B. Sears, Past President; Dr. Walter T. Watson, Past President; Dr. Harry E. Moore, Editor of the *QUARTERLY*; Dr. James M. Owen, Secretary-Treasurer; Dr. Lorrin Kennamer, General Program Chairman; Dr. James A. Tinsley, Past General Program Chairman; Dr. J. William Davis, Chairman of Local Arrangements; and the following Section Chairmen: Horace R. Brock (Accounting); James A. Plaxico (Agricultural Economics); John N. Fry (Economics); John W. Morris (Geography); Robert T. Miller (Government); and Alvin L. Bertrand (Sociology).

Minutes of the last meeting of the Executive Council were approved as published in the June 1960 issue of the *QUARTERLY*.

At the request of President Arbingast, Dr. Moore presented his report as Editor of the *QUARTERLY*, and Dr. Owen presented his report as Secretary-Treasurer. Copies of these reports are attached to the permanent file copy of these minutes.

Dr. Walker, reporting as Chairman

of the Membership Committee, stated that 89 new members were obtained at the 1960 Annual Meeting and that 69 joined during the remainder of the year. The net increase in membership for the year was 113. He stated that membership efforts included letters sent to current members of the Association urging them to solicit their colleagues, as well as solicitation of memberships among the non-members registering at the annual meeting.

Dr. Bertrand presented the report of the special committee appointed to study institutional memberships. A copy of the complete report is attached to the permanent file copy of these minutes. The report recommended that the Association abolish institutional memberships for the time being, with appropriate acknowledgments of appreciation to those institutions currently supporting the Association in this manner. Following general discussion, Dr. Megginson moved that the Association discontinue active solicitation of institutional memberships and that institutions currently holding institutional memberships be notified of this policy. Motion carried.

Dr. Kennamer, reporting as General Program Chairman, stated that the printed program of the annual meeting constituted the major part of his report

but that he would like to urge all members to visit the book exhibits. He pointed out that seventeen companies had reserved twenty exhibit tables for the meeting. He also suggested that each section chairman get a count of the number of persons attending the largest session of his section so that this information could be available in determining the size of rooms needed for sections at the next annual meeting.

Dr. Davis, as Chairman of the Local Arrangements, urged that all section chairmen push the sale of luncheon tickets.

Dr. Arbingast commended the work of the General Program Chairman and the Local Arrangements Chairman and expressed his appreciation for their efforts, as well as the cooperation of all members of the Executive Council.

Dr. Arbingast then asked Dr. Brock to review the information relative to hotel facilities available for the 1962 annual meeting of the Association. Following general discussion, Dr. Megginson moved that the Executive Council reach a decision on the city at which the 1962 meeting would be held. This motion passed. The following cities

were nominated: Dallas and Houston. Upon motion by Dr. Morris, nominations were closed. Following general discussion, a vote was taken and Dallas was designated as the 1962 meeting site.

Dr. Walker then moved that Dr. Brock and Dr. Davis contact the Dallas hotels to obtain information relative to rates and facilities available for the 1962 meeting, with report to be rendered at the meeting of the Executive Council on Saturday, April 1, 1961. Dr. Morris made a substitute motion that if rates as given to Dr. Brock for 1963 are confirmed for 1962, the meeting be held in the Statler Hilton Hotel in 1962. This motion carried.

Dr. Arbingast pointed out that this would be Dr. Watson's last time to attend a meeting of the Executive Council as a Past President of the Association, and he expressed the appreciation of the entire Executive Council for the contributions Dr. Watson had made to the Association.

Dr. Arbingast then invited all members of the Executive Council and their wives to a reception in his suite, and the meeting adjourned at 10:15 P.M.

Minutes of the General Business Meeting, SOUTHWESTERN SOCIAL SCIENCE ASSOCIATION, Saturday, April 1, 1961, 8:30 a.m., Statler Hilton Hotel, Dallas, Texas

The meeting was called to order by President Stanley A. Arbingast, and the minutes of the last meeting were approved as reported in the June 1960 issue of the QUARTERLY.

Copies of the Treasurer's financial report were distributed and Dr. J. Herman Brasseaux submitted the report of the Auditing Committee. Copies of both of these reports are attached to the

permanent file copy of these minutes. Upon motion by Dr. Lorrin Kenamer, both of these reports were approved.

President Arbingast announced that the next annual meeting of the Association would be held in Dallas, Texas, at the Statler Hilton Hotel, subject to confirmation by the Executive Council immediately following the general business meeting.

Dr. Lorrin Kennamer gave an oral report as General Program Chairman in which he expressed an appreciation for the work done by the section chairmen in planning the program for the annual meeting.

Dr. George T. Walker gave an oral report as Chairman of the Membership Committee. He pointed out that the Association had a net increase in membership of 113 for the year, with a total of 158 new members during the year.

Dr. Gideon Sjoberg, Chairman, presented the report of the Resolutions Committee, a copy of which is attached to the permanent file copy of these minutes. The report included resolutions expressing appreciation to the members of the Executive Council, President Arbingast, General Program Chairman Kennamer, Secretary-Treasurer Owen, Editor Harry E. Moore, Local Arrangements Chairman Davis, the University of Texas, the Statler Hilton Hotel, book company exhibitors, and the press and radio for their efforts in behalf of the Association during the year.

Dr. Hiram J. Friedsam, Chairman of the Constitutional Amendments Committee, stated that his committee had no recommendations to report.

Dr. Bertrand, Chairman of the special committee to study institutional memberships presented the report of that committee. The report included the recommendation that the Association discontinue active solicitation of such memberships for the time being, with appropriate acknowledgments of appreciation to those institutions currently supporting the Association with membership subscription.

Dr. Moore presented the report of the Editor of the QUARTERLY. The re-

port included the comment that each of the disciplines making up the Association was represented in the pages of the QUARTERLY during the year. The publication included material submitted from Texas, Arkansas, Louisiana, New Mexico, and Oklahoma, as well as articles from nine states outside the southwestern region. A copy of the complete report is attached to the permanent file copy of these minutes.

Dr. Merzbach presented the report of the Endowment Committee which included a summary of the history and status of the Endowment Fund and the recommendation that the incoming President of the Association appoint an Endowment Committee for 1961-1962, that the committee be charged with raising an initial endowment fund of substantial rather than nominal size, and that if this endeavor should not meet with success, the endowment fund be discontinued and the Endowment Committee be dissolved permanently. A copy of the complete report is attached to the permanent file copy of these minutes.

Dr. Holmes, Chairman, presented the report of the Nominating Committee. Nominations made by the Committee were as follows: President, Leon C. Megginson; First Vice President, George T. Walker; Second Vice President, Joe B. Frantz. With no nominations from the floor, Dr. Sjoberg moved that the report of the Nominating Committee be accepted and that those nominated be declared elected. Motion carried.

With brief discussion, Professor Kendall P. Cochran suggested that the Executive Council give some thought to the possible use of funds of the Associ-

ation to help defray expenses of some outside speakers at the annual meeting.

Dr. Owen pointed out that in view of the present total of funds of the Association under the custody of the Secretary-Treasurer, the \$5,000 fidelity bond currently carried was inadequate. He moved that the Secretary-Treasurer be

directed to increase the amount of the bond to \$12,000, the premium to be paid by the Association. The motion carried.

President Arbingast announced that the following were elected to serve as officers of the various sections during the coming year:

Accounting:

Chairman: J. Herman Brasseaux, Louisiana State University in New Orleans
Assoc. Editor: Richard H. Homburger, University of Wichita

Agricultural Economics:

Chairman: Fred H. Wiegmann, Louisiana State University
Assoc. Editor: Leo J. Blakely, Oklahoma State University

Business Administration:

Chairman: Z. William Koby, University of Houston
Assoc. Editor: Tom Tucker, University of Texas

Business Management:

Chairman: C. L. Littlefield, North Texas State College
Assoc. Editor: S. A. Self, North Texas State College

Quantitative Methods:

Chairman: Frank Murph, Texas Christian University
Assoc. Editor: Frank Murph, Texas Christian University

Economics:

Chairman: Billy Hinton, Baylor University
Assoc. Editor: Forrest Hill, University of Texas

Geography:

Chairman: John W. Morris, University of Oklahoma
Assoc. Editor: Yvonne Phillips, Northwestern Louisiana State College

Government:

Chairman: Keith S. Petersen, University of Arkansas
Assoc. Editor: August O. Spain, Texas Christian University

History:

Chairman: Lowell L. Blaisdell, Texas Technological College
Assoc. Editor: Irby C. Nichols, Jr., North Texas State College

Sociology:

Chairman: W. G. Steglich, Texas Technological College
Assoc. Editor: Hiram J. Friedsam, North Texas State College

Following expression of appreciation by President Arbingast for the cooperation received from officers and members of the Association during the year, the meeting adjourned at 9:05 A.M.

Minutes of the Executive Council, SOUTHWESTERN SOCIAL SCIENCE ASSOCIATION, Saturday, April 1, 1961, 9:15 a.m., Statler Hilton Hotel, Dallas, Texas

The meeting was called to order by President Megginson. Those present were as follows: Leon C. Megginson, President; Alfred B. Sears, Past President; Stanley A. Arbingast, Past President; George T. Walker, First Vice President; Harry E. Moore, Editor of the QUARTERLY; James M. Owen, Secretary-Treasurer; P. F. Boyer, General Program Chairman for 1962; Lorrin Kenamer, Past General Program Chairman; J. William Davis, Chairman of Local Arrangements; and the following Section Chairmen: J. Herman Brasseaux (Accounting); Tom Tucker, for Z. William Koby (Business Administration); C. L. Littlefield (Business Management); John W. Morris (Geography); Lowell L. Blaisdell (History); and W. G. Steglich (Sociology).

Following the introduction of those present, the minutes of the last meeting as printed in the June 1960 issue of the QUARTERLY, corrected to show that Dr. Megginson was present, were approved.

Dr. Megginson announced that he had appointed Dr. P. F. Boyer to serve as General Program Chairman for 1962. Dr. Boyer then commented briefly on the importance of each Section Chairman completing his section of the program so that the entire program would be completed by December 1, 1961.

Dr. Morris moved that Dr. Harry E. Moore be re-elected Editor of the SOUTHWESTERN SOCIAL SCIENCE QUARTERLY. This motion, duly seconded, carried. Dr. Sears then moved that Dr. James M. Owen be re-elected Secretary-Treasurer. Motion carried.

Dr. Harry E. Moore moved that life membership be extended to Dr. Owen in accordance with the provision of the By-laws of the Association authorizing such action in the case of one who has served as Secretary-Treasurer for three years. This motion also carried.

Upon motion by Dr. Morris, the Executive Council ratified action taken by the Executive Council on Thursday evening, March 30, 1961, designating the Statler Hilton Hotel, Dallas, Texas, as the site for the 1962 Annual Meeting of the Association, the meeting to be held April 19-21, 1962. Dr. Davis commented that the hotel had assured him that rates and facilities for the 1962 meeting would be as good, if not better, than those prevailing for the 1961 meeting. President Megginson suggested that Dr. Walker confer with Dr. Davis relative to arrangements for the Presidential Luncheon for the 1962 meeting.

President Megginson then asked that consideration be given to the selection of a city for the 1963 Annual Meeting. Professor Donald F. Simons, in behalf of St. Mary's University and the City of San Antonio, extended an invitation to the Association to meet in San Antonio in 1963. Professor Brock reviewed briefly information he had assembled relative to hotel facilities in various cities in the southwestern region. Following general discussion, Dr. Kenamer nominated San Antonio, and Dr. Arbingast nominated Houston. After voting on these two, San Antonio was designated as the city in which the 1963 Annual Meeting would be held.

Dr. Moore introduced discussion of the publication of the Supplement to the *QUARTERLY*, and moved that the practice of publishing the supplement each year be discontinued. The motion carried.

Dr. Morris opened discussion on the possibility of preparing a complete index to the *QUARTERLY*, stating that he thought he could arrange for it to be done if the Association would underwrite the cost. Dr. Boyer moved that Dr. Morris be authorized to proceed with such arrangements. The motion carried.

Dr. Moore moved that the Secretary-Treasurer be empowered to spend up to \$600 for secretarial help as needed during the year. The motion carried.

At the request of Dr. Megginson, Dr. Owen reported that the total registration (non-members as well as members) for the 1961 meeting was 661. He pointed out that registration totaled 547 and 442 for the 1960 and 1959 meetings, respectively.

Following discussion of the desirability of distributing a membership roster to all members of the Association, Dr. Sears moved that a membership list be published in the *QUARTERLY*. This motion failed to pass. Dr. Kennamer then moved that a mimeographed list of members be mailed to all members. This motion carried. Following comment by Dr. Owen, it was agreed that the list would be prepared as of July 1, 1961, with distribution being made in July or August. Later in the meeting, Dr. Walker moved that the membership list be accompanied by a copy of the Constitution and By-laws of the Association. This motion carried.

Following discussion of the matter,

Dr. Arbingast moved that President Megginson appoint a committee to develop criteria and standards for the admission and maintenance of sections within the Association. This motion carried.

In connection with Dr. Walker's report as Membership Chairman, it was pointed out that there was a net increase of 113 in individual memberships in the Association for the year.

President Megginson then stated that he would like to appoint an Advisory Committee consisting of the three most recent presidents of the Association. In the discussion that followed, it was suggested that the Secretary-Treasurer might be included on the committee, and it was agreed that no formal action need be taken by the Executive Council to empower the President to appoint such a committee.

Following discussion of the Endowment Committee report rendered at the General Business Meeting, Dr. Arbingast moved adoption of the action recommended in that report. The motion carried, and President Megginson asked that the Advisory Committee, consisting of Dr. Arbingast (Chairman), Dr. Sears, Dr. Watson, and Dr. Owen, undertake to report on the matter at the next meeting of the Executive Council. Dr. Megginson also asked that the Advisory Committee consider the suggestion made during the General Business Meeting relative to use of Association funds to defray expenses of certain speakers at the annual meeting each year.

Dr. Kennamer announced that he had received several requests for a roster of persons attending the annual meeting. Following discussion of the feasibility

of the preparation of such a roster, Dr. Arbingast suggested that the matter be turned over to the Local Arrangements Committee.

Dr. Tom Tucker, representing Dr. Z. William Koby as Chairman of the Business Administration Section, stated that as a result of the recent creation of certain new sections in the Association, present participants in the Business Administration Section are almost exclusively in the field of marketing. He suggested that the name of the section be changed from Business Administration to Marketing. Dr. Arbingast moved that the change be made. The motion carried.

President Megginson pointed out that action relative to the establishment of honorary life memberships for retired 20-year members of the Association was initiated several years ago but that it had not been carried to a definite conclusion. He stated that he would like for this matter to be considered by the

Constitutional Amendments Committee.

Dr. Arbingast stated that he had received several suggestions that a placement bureau be established for operation during the annual meeting of the Association. He moved that the Association request the U.S. Employment Service to provide such service at the 1962 Annual Meeting. The motion carried, and Dr. Megginson appointed Dr. Arbingast to make the necessary arrangements with the U.S. Employment Service.

It was announced that a proposed Finance Section of the Association had held an organizational meeting but that their petition for recognition by the Association was not ready. Dr. Boyer moved that this group be given a place on the program for the 1962 Annual Meeting with the understanding that a formal petition be presented at the next meeting of the Executive Council. The motion carried.

The meeting adjourned at 11:00 A.M.

Secretary-Treasurer's Report, SOUTHWESTERN SOCIAL SCIENCE ASSOCIATION, Comparative Statement of Cash Receipts and Disbursements for the Years Ending February 28, 1961, February 29, 1960, and February 28, 1959.

<i>Cash receipts from:</i>	1961	1960	1959
Individual memberships	\$ 3,041.50	\$2,173.75	\$3,085.75
Library memberships	1,115.41	1,059.75	1,079.00
Institutional memberships	100.00	325.00
Sales of back issues of <i>Quarterly</i>	302.00	125.00	41.25
Display space at Convention	1,282.00	945.00	610.00
Advertising in Annual Program	550.00	280.00	205.00
Advertising in <i>Quarterly</i>	470.67	553.34	130.00
Receipts from luncheon tickets	434.70	418.00	327.50
Sale of reprints	132.70	158.95	278.20
Interest	218.99	93.73
Miscellaneous	5.00	14.00	33.35
Total cash receipts	\$ 7,652.97	\$6,146.52	\$5,790.05

Cash Disbursements for:

<i>Quarterly Expenses:</i>			
Printing issues	\$ 3,431.25	\$2,497.57	\$2,547.25
Reprints	314.60	225.60	471.75
Editor's petty cash expenses	66.29	124.97	113.55
Wrappers	38.65	42.23	12.00
Net Quarterly expense ¹	\$ 3,850.79	\$2,890.37	\$3,144.55
<i>Convention Expenses:</i>			
Printing programs	\$ 238.75	\$ 335.64	\$ 176.40
Expenses of General Program			
Chairman	55.69	48.57	27.20
Luncheon	436.65	404.25	327.50
Registration expense	50.76	21.85	20.61
Total Convention expenses	\$ 781.85	\$ 810.31	\$ 551.71
<i>Expenses of Secretary-Treasurer:</i>			
Postage	\$ 78.90	\$ 68.00	\$ 48.80
Stationery and office supplies	81.56	107.66	52.19
Clerical expense	108.48	69.50	207.80
Membership Committee	167.27	92.56	-----
Miscellaneous	99.60	25.00	29.29
Total expenses of Sec'y-Treas.	\$ 535.81	\$ 362.72	\$ 338.08
Total cash disbursements	\$ 5,168.45	\$4,063.40	\$4,034.34
Excess of receipts over disbursements	\$ 2,484.52	\$2,083.12	\$1,755.71
Add: Cash balance at beginning of year	8,721.28	6,638.16	4,882.45
Cash balance at end of year ²	\$11,205.80	\$8,721.28	\$6,638.16
<i>Membership summary:</i>			
	Feb. 28, 1961	Feb. 29, 1960	Feb. 28, 1959
Individuals	620	507	524
Libraries	250	230	238
Institutions	4	13	-----

¹ For the year ending February 28, 1961, the subsidy received from the University of Texas for the QUARTERLY totaled \$4,000. Subsidies received for years ending February 29, 1960, and February 28, 1959, amounted to \$3,900, and \$3,900, respectively. The total cost of the QUARTERLY for each of the last three years may be summarized as follows:

	Feb. 28, 1961	Feb. 29, 1960	Feb. 28, 1959
Payments by the Association	\$3,850.79	\$2,890.37	\$3,144.55
Subsidy from University of Texas	4,000.00	3,900.00	3,900.00
Total Cost	\$7,850.79*	\$6,790.37*	\$7,044.55

* Includes cost of special supplement issue.

² The total cash balance at Feb. 28, 1961, is located as follows:

Louisiana National Bank, Baton Rouge, La.	\$ 4,868.08
Baton Rouge Savings and Loan Association	6,312.72
Petty Cash Fund held by Editor of <i>Quarterly</i>	25.00
Total	<u>\$11,205.80</u>

Report of the Editor, SOUTHWESTERN SOCIAL SCIENCE QUARTERLY

It may come as something of a surprise to members of the Southwestern Social Science Association to realize that their official journal is one of the older academic publications in the social sciences. We have completed 41 years and 41 volumes; though former editors tell me it was often doubtful whether materials could be scraped together for the next issue, or money found to pay the printer's bill if enough manuscripts were secured.

Fortunately, the life of the editor is no longer so strenuous; though certainly it is not without problems. The money problem has been solved, on a tolerable level at least, by the increased revenues of the Association, the increased use of the *QUARTERLY* by advertisers and the subsidy of the University of Texas. The onerous proofreading and other details of production are now performed by the University of Texas Press—for a fee. The editor is left with only the task of handling manuscript, advertising, and part of the subscription-membership correspondence, and caring for the host of details which always arise in any enterprise of this magnitude. These are sufficient to demand approximately half-time of the editor. This demand is recognized by relieving him of teaching one course. This action reduces his academic load to approximately 117 per cent of the normal—a very great improvement over the situation a decade ago.

For the past two years the work has been increased measurably by the publication of a *Supplement* made up of one paper from each of the sections of the Association. The University of Texas

bore the cost of the first such issue; the second was financed from Association funds. Though no final answer to a request for University funds for this purpose has been received, informal discussion indicates a very strong possibility of refusal. Nor does it appear that the Association is able to continue such support. Hence there is need for careful consideration of whether this publication should be continued.

It is good to be able to report that again each of the disciplines making up the Association was represented in the pages of the *QUARTERLY* during the past year; though it is true that great difficulty was experienced in securing articles from at least two of them. As usual, Government, Economics and History dominated the tables of contents. In the area of Economics, the *QUARTERLY* takes pride in its presentation of a thorough discussion of Institutional Economics as developed by Clarence Ayres.

Again, as usual, Texas schools supplied more material than those of any other state, approximately one-third of all published. But Arkansas, Louisiana, New Mexico and Oklahoma were also represented from within the Southwest. From without the region, articles were carried from authors in Delaware, Kansas, Massachusetts, Michigan, Missouri, New Hampshire, New York, Tennessee and Virginia.

More specifically, the schools within the region represented are: A. and M. College of Texas, University of Arkansas, Cameron (Oklahoma) State College, East Central (Oklahoma) State College, University of Houston, Lamar

State College, Louisiana State University, New Mexico State College, North Texas State College, Southern Methodist University, Southwest Louisiana Institute, Tarleton State College and the University of Texas. From without the region: Brooklyn College, University of Delaware, Harvard University, Kansas State College, University of Kansas City, University of New Hampshire, University of Richmond, Vanderbilt University, Wayne State University, and the University of Wichita. It is evident that the *QUARTERLY* is essentially a regional publication, which also attracts contributions from the nation as a whole. This is, in the opinion of the Editor, as it should be.

The number of articles we are forced to decline continues to run a bit higher than twice the number we can accept. This gives a wide choice to the editor and his associates; but no editor ever had as many good papers from which to choose as he would like.

On the business side, advertisers ap-

pear to be slightly more cognizant of the value of the *QUARTERLY* though revenue from this source is still negligible. Membership-subscriptions—and especially subscriptions by libraries—increased somewhat during the year and form the basis for financial stability of the Association and its journal. The University of Texas appears to have accepted the *QUARTERLY* as one of the ongoing entities in its organization by setting it up as a budget-making division in its own right on the same basis as academic departments, bureaus, etc. The figures on expenditures are to be found in the report of the Secretary-Treasurer.

With continuing financial support and care in selection of editors it appears that the *QUARTERLY* will contribute to the intellectual life of the region and nation in a manner that will reflect the academic status of the social scientists of the Southwest and will be a credit to the Association.

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